THE ESTABLISHMENT OF A CIVIL ADMINISTRATION IN THE AREAS ADMINISTERED BY ISRAEL

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By Joel Singer*

I. INTRODUCTION

In November 1981 the Order concerning the Establishment of a Civil Administration1 was issued in Judea and Samaria (hereinafter: the Area).2 The creation of the Civil Administration was met by some of the leading figures in the Area with resentment, which soon turned into a total boycott of the Civil Administration coupled with allegations varying from an accusation that the Civil Administration was an introductory step to the Israeli annexation of the Area,3 to a contention that it was a perpetuation of the existing occupation.4 Legal criticism was also levelled against the Order.5

The purpose of this article is to examine the concept of Civil Administration from the perspective of international law and international practice, to find the distinctions between it and the military

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1 Text of the Order is annexed to this article. (Translation by the author. All other passages from Security Enactments appearing in this article, unless otherwise indicated, are also translated by the author.) A similar Order was issued in the Gaza District on 1 December 1981 (Order No. 725).

2 The original title of the Area was "the West Bank", but on 17 December 1967 the title was officially changed to "Judea and Samaria", Order No. 187 concerning Interpretation (Additional Provisions) (No. 3), published in 9 Collection of Proclamations, Orders and Appointments of the Judea and Samaria Command (hereinafter: C.P.O.A.) 367, which is the official gazette of the military government. It appears in Arabic and Hebrew. A similar gazette is published in the Gaza District.

3 Al-Fajar (English Edition), 8 October 1982, interview with an unidentified member of the National Guidance Committee.

4 Ashaab, 29 December 1981, interview with the ex-Mayor of Al-Birch, Ibrahim Tawil.

5 Kuttab and Shehadeh, Civilian Administration in the Occupied West Bank, published by Law in the Service of Man (Ramallah, 1982).
government that preceded it, and to analyse the provisions of Order 947\(^6\) in order to perceive the changes that were introduced.

II. CIVIL ADMINISTRATION UNDER INTERNATIONAL LAW AND PRACTICE

A. Military Government

A territory placed under belligerent occupation is usually controlled by a military government established by the occupant to substitute for the government of the ousted sovereign. The occupant discharges most of his duties and exercises most of his powers under international law through the military government.\(^7\)

Yet the term “military government” is not mentioned at all in Section III of the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Convention Concerning the Laws and Customs of War on Land (No. IV), 1907 (hereinafter: the Hague Rules),\(^8\) although these Rules reflect the basic norms of the law of belligerent occupation.\(^9\)

Only marginal attention is paid in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949\(^10\) to the phenomenon of military government,\(^11\) which is not defined therein. Military government is not mentioned at all in the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I).\(^12\) The silence on this point is probably due to the rule of international law which provides that responsibility for the oc-

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\(^{6}\) Supra note 1.


\(^{8}\) Scott, *The Hague Conventions and Declarations of 1899 and 1907* 100, 122 (1915).


\(^{10}\) 1 Kiivei Amana (Israel Treaty Series) (No. 30) 559.

\(^{11}\) See, e.g., Art. 6, para. 3 and Art. 64, para. 2.

cupation is borne not by the military government but by the occupant as such.^{13}

As the structure of the military government is not regulated by international law, every State is free to design the military government established by it in an occupied territory in whatever fashion it sees fit, providing that the State, through the military government, conducts its activity in the occupied territory in accordance with international law.^{14} Nevertheless, some patterns are common to almost all military governments in modern times.^{15}

Military government is described in the US Army Field Manual as follows:

Military government is the form of administration by which an occupying power exercises governmental authority over occupied territory. The necessity for such government arises from the failure or inability of the legitimate government to exercise its functions on account of the military occupation, or the undesirability of allowing it to do so.^{16}

The military government is usually organized differently during the

14 Thus, von Glahn remarks that “the general subject of military government insofar as it is concerned with structure and internal administrative problems lies outside the scope of this study”. Von Glahn, The Occupation of Enemy Territory 263 (1957).

Similarly, the British Manual determines:

“518. It is of little consequence whether the government imposed by the invader is called military government or civil government, for in either case it is a government imposed by the necessity of war and, so far as it concerns the inhabitants and the rest of the world, the laws of war alone determine the legality of its acts.”


first phase of active combat and in the second phase of occupation that follows.

In active combat areas military government is necessarily limited to the most essential functions, in conformity with the military situation. Such functions are usually exercised directly over the civilian population by the combat units of which military government troops will be a part. Tactical commanders, with the advice of their military government staff officers, will control the civilian population within the zone of operation without regard to political boundaries.¹⁷

Greenspan describes the second phase of occupation as follows:

When the tide of battle has receded well beyond the occupied territory, conditions there are fairly well settled, and administration becomes the main problem rather than battle. The military administrations now assume the dominant role in the territory in place of the field commanders. These administrators can then constitute a separate command in which the chain of command will be direct from higher to lower civil affairs or military government personnel.¹⁸

The US Civil Affairs Military Government Manual adds that

¹⁷ US Civil Affairs Military Government (FM 27–5), p. 37. The term Civil Affairs/Military Government was defined in the US Field Manual 41–5 (Depts. of the Army, Navy and the Air Force, 1958), pp. 2-5, as follows:
 a. Civil Affairs/Military Government (CAMG). A grouping of terms employed for convenience to refer to either Civil Affairs or Military Government, depending upon the context... In this manual, the combined term refers to the functions, activities and common mission of these operations and will be used when referring to either or both civil affairs and military government.
 b. Civil Affairs. Matters concerning the relationship between military forces located in a friendly country or area and the civil authorities and people of that country or area usually involving performance by the military forces of certain functions or the exercise of certain authority normally the responsibility of the local government. This relationship may occur prior to, during, or subsequent to military action in time of hostilities or other emergency and normally is covered by a treaty or other agreement express or implied...
c. Military Government. The form of administration by which an occupying power exercises executive, legislative, and judicial authority over occupied territory... In the practice of the United States, military government describes a situation where armed forces assume complete governmental responsibilities normally exercised by local authorities...”

¹⁸ Greenspan, supra note 7, at 214.
Local military government officers will not be responsible to tactical unit commanders stationed in the area with regard to the administration of military government activities, but will report direct to higher military government officers.\(^{19}\)

“A garrison of combat troops forming a command distinct from the military administration will usually maintain the military security of the area.”\(^{20}\) “The Commander of an Army in the field is the supreme and the only lawful authority in occupied territory. Any jurisdiction exercised in civil matters must be duly delegated by him, by proclamations under his signature, to one or more persons named, who may in turn delegate certain functions to appropriate authorities.”\(^{21}\)

B. Civil Administration

The government of an occupied territory is by nature military. A supreme military commander, assisted by local commanders, is in charge of the territory. However, should the occupation endure for a long time, professional civilians are usually brought in to perform various tasks in the military government. The Military Commander is the highest level authority in the occupied territory, and even the civilian officials in the administration are subordinate to him.\(^{22}\)

Sir Arnold Wilson, assistant and later deputy in charge of the Civil Administration in Mesopotamia from 1914 to 1918, and Civil Commissioner in that area from 1918 until 1920, described the basic principles underlying military government in occupied territory. Among these principles he mentioned the following:

Unity of control is ensured by the appointment by the Army Commander of a Chief Civil Authority (hereinafter called the Civil Commissioner), all directly responsible to the C.G.S., with, however, the right of access to the Army Commander and the

\(^{19}\) Supra note 17. For smoothness of reading “military government” was substituted for the abbreviation “CA/MG” in the quoted text.

\(^{20}\) Greenspan, supra note 7, at 215.

\(^{21}\) Wilson, “The Laws of War in Occupied Territory”, 18 Transactions Grotius Soc'y 17, 18 (1932).

\(^{22}\) Dinstein, supra note 13, at 109. On the possibility of employing civilians in the military government, see also Civil Affairs Operations (FM 41-10), US Department of the Army Field Manual 59 (1962).
right to deal direct with the appropriate departments of His Majesty's Government. Unity of direction is ensured by a system whereby technically qualified officers are placed at the disposal of the Civil Commissioner for duties connected with the Civil Administration, whilst remaining under the orders of their departmental chiefs for administrative purposes. This dual allegiance is not always easy to define, but on its successful working success depends.\textsuperscript{23}

Sir Arnold Wilson went on to suggest a draft proclamation which should be promulgated by the Army Commander. Such a proclamation should provide

That the administration of occupied territories has been entrusted by the Army Commander, subject to his supreme control, to a specially chosen and qualified official with an adequate staff, who will, as far as possible, act at all times and in all places as intermediaries between the civil population and the commanders of the forces to whom they are attached. All questions relating to civil affairs should be referred to the officer named as Civil Commissioner, who has authority, on behalf of the Army Commander, to issue rules having the force of law, upon matters falling within his competence. Further proclamations should define the scope of the Civil Commissioner's powers and specify the chief officials acting under him, and their official headquarters.\textsuperscript{24}

Benjamin Akzin, in an article written during World War II, analysed different ways for the US to manage future occupied territories. He wrote that

there is nothing to prevent the government of the occupying country to entrust general administration to civilian appointees, in which case military occupation will be combined with civil government by the occupant.\textsuperscript{25}

\textsuperscript{23} Wilson, \textit{supra} note 21, at 19.

\textsuperscript{24} \textit{Ibid.}, 29–30.

\textsuperscript{25} Akzin, “Introduction to a Study of Occupation Problems”, \textit{Int'l Conciliation} (No. 389) 263, 265 (April 1943).
He also described several cases in which general administrative duties were separated from military functions and entrusted to civilian officials:

This was done by us in Puerto Rico, in the Philippines and in Cuba, in Egypt by the British, in Crete by the joint occupants, in the Saar valley by the international commission. But this is a technical rather than a material distinction.26

The chief of the Civil Administration may be either a professional soldier or an experienced civilian, sometimes holding a temporary rank of an officer.27 "The Civil Administration, however, should not be a separate body, but rather a part of the military government. Setting up a Civil Administration independent of a military commander is a violation of international law."28 In conclusion, the US Field Manual determines that

It is immaterial whether the government over an enemy's territory consists in a military or civil or mixed administration. Its character is the same and the source of its authority the same. It is a government imposed by force, and the legality of its acts is determined by the law of war.29

A great deal of literature is devoted to the question of whether a civil or military government is preferable.30 The civil-military debate is outside the scope of this article; however, it seems that the whole subject should be treated in a flexible manner according to changing circumstances, and in any case the occupant has full discretion to decide on the proper form of government to be established in a territory it occupies.

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26 Ibid., 268.
29 Supra note 16, Art. 368, p. 142; see also supra note 14.
III. CIVIL ADMINISTRATION IN THE AREAS ADMINISTERED BY ISRAEL

A. Civil Administration Prior to Order 947

1. Legal Framework

When on 7 June 1967 the Israel Defence Forces (hereinafter: IDF) entered the Area, the Commander of the IDF in the Area\(^3\) issued Proclamation No. 1 concerning the Assumption of Administration by the IDF. Article 1 states:

The IDF has entered the Area today and has assumed administration and responsibility for security and public order in the Area.\(^3\)

On the same day Proclamation No. 2 concerning Administration and Law was issued. It provides in Article 3(a) that

All powers of government, legislation, appointment and administration in relation to the Area or its inhabitants shall henceforth be vested in me alone and shall be exercised by me or by whoever shall be appointed by me to that end or acting on my behalf.\(^3\)

It should be noted that in addition to the powers of the Jordanian

\(^3\) Actually, the person who signed the Proclamation was not the real Commander of the IDF in the Area (who was the Commander of the Central Command), but a high ranking Officer, General Haim Herzog, who was appointed head of the military government. Most of the proclamations and orders that were issued in the first days had been prepared beforehand, in thousands of copies in accordance with contingency planning, the idea probably being that the Commander of the Central Command himself would sign these enactments. But matters developed otherwise and someone else signed the enactments. Shmargar describes these first enactments:

“All sections (of the platoons of the Military Advocate General’s Corps—J.S.) were equipped with movable emergency kits including... inter alia a large set of precedents of military government proclamations and orders, vital at the initial stages of military government...”


\(^3\) 1 C.P.O.A. 3. A similar Proclamation was issued in the Gaza District on 6 June 1967, 1 C.P.O.A. (Gaza) 4.

\(^3\) Ibid.; a slightly different English translation appears in 1 Israel Yearbook on Human Rights 419 (1971). A similar Proclamation was issued in Gaza (ibid.).
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authorities assumed by the Commander, other powers stemming directly from international law are also vested in him.\textsuperscript{34}

Despite the broad language of Proclamation No. 2, only the powers of the central government were assumed by the Commander, whereas the powers of the local municipal councils were left intact. Thus, on 2 August 1967 an order was issued by the Commander, stating that

The mandate of every local authority will continue, in spite of all contrary provisions in the local law, until a further order is issued by the Commander of the IDF in the Area.\textsuperscript{35}

(The term “local authorities” in this Order means all municipal and rural councils.)

Powers of the Jordanian District Commissioners\textsuperscript{36} were, however, assumed by the Commander, and some of them were delegated to his subordinates.\textsuperscript{37}

The military government unsuccessfully attempted in the years 1967–1968 to appoint local Palestinian Mayors as District Commissioners, with the aim of delegating to them even more powers than those prescribed in the Jordanian law.\textsuperscript{38} Judicial powers of the local courts were not assumed by the Commander. The Commander delegated much of his authority to officers and officials subordinate to him in the two levels of the military government—Headquarters and the Districts.

\textsuperscript{34} E.g., the power to levy contributions or to demand requisitions in accordance with Articles 49–52 of the Hague Rules. \textit{Supra} note 8.

\textsuperscript{35} Order concerning Prolongation of Mandates of Local Authorities (No. 80), 1967, 6 \textit{C.P.O.A.} 201.

The main object of this Order, though, was to postpone the elections in the municipalities which were due in September 1967, in accordance with the local Jordanian law. \textit{See} the comprehensive study by Drori, \textit{Local Government, Democracy and Elections in Judea and Samaria: Legal Prospects} 69 (Hebrew, 1980).

\textsuperscript{36} According to Jordanian law, the District Commissioner was an intermediary between the central government and the local government. He held a wide range of powers during the Jordanian rule, and branches of the government offices were subordinate to him. Administrative Structure Regulations, No. 1 of 1966, \textit{Jordanian Official Gazette} (No. 1894), 1 January 1966.

\textsuperscript{37} \textit{See}, for example, Order No. 191, December 1967, concerning the Villages Administration Law No. 5 of 1954, 10 \textit{C.P.O.A.} 381. \textit{See also} Order No. 194, December 1967, concerning the Municipalities Law No. 29 of 1955, 10 \textit{C.P.O.A.} 384.

Regarding the second level, the Area was subdivided into seven Districts. The subdivision followed, as far as possible and practical, the administrative divisions of the former governmental system. In each such District a District Commander was appointed. The most significant power delegated to the District Commanders was that of a Military Commander according to the Order concerning Security Provisions. Article 2 of this Order provides that the Commander of the IDF in the Area may appoint a Military Commander for any place or locality in the Area. A Military Commander so appointed possesses all powers set forth in that Order and in any other security enactment pertaining to a Military Commander. Powers that were not delegated by the Commander of the IDF in the Area remained vested in him.

The Order concerning Interpretation determines a number of rules applicable to all cases of delegation of powers:

1. An appointment, conferment of powers or imposition of duties may, for the purpose or by virtue of a security enactment, be made by naming a person or designating an office.
2. The Commander of the IDF in the Area may at any time himself exercise any power delegated by him.
3. Where any security enactment refers to the power or task of the Commander of the IDF in the Area, he may,

39 Jenin, Bethlehem, Jordan Valley, Ramallah, Nablus, Tulkarem and Hebron (Order No. 210 concerning Districts of 24 January 1968. 10 C.P.O.A. 408). The boundaries among the Districts were later amended in Order No. 376 (22 C.P.O.A. 786) and in Order No. 601 (36 C.P.O.A. 1485). In Gaza there are only 3 Districts—Gaza, Khan Yunis and Rafah (Order No. 343 concerning Division of the Area into Districts. 21 C.P.O.A. 1474).

40 Shmagar, supra note 31, at 23.
41 The Order was issued on 7 June 1967 as a supplement to Proclamation No. 3 concerning the Entry into Force of the Order concerning Security Provisions (1 C.P.O.A. 5). A new amended version of the Order was issued in 1970 (Order No. 378. 21 C.P.O.A. 733). A similar Order was issued in Gaza (19 C.P.O.A. 1338). For an English translation of the new version as amended up to 1980, see Shmagar, supra note 15, at 476.
42 Order No. 130, September 1967. 7 C.P.O.A. 272. For an English translation, see Shmagar, supra note 15, at 495. A similar Order was issued in Gaza (Order No. 300. 16 C.P.O.A. 1156).
43 Ibid., Art. 14(a).
44 Ibid., Art. 17.
in writing, delegate any part of such power or task to another person, except the power to issue proclamations and orders applicable to the whole Area.

(b) The Commander of the IDF in the Area may, in writing, authorise any authority acting on his behalf and any person to whom the powers of the Commander of the IDF in the Area have been delegated, in accordance with subsection (a), to delegate such powers to another person.\(^{45}\)

These provisions ensure the supremacy of the Commander in accordance with the requirements of international law.\(^{46}\)

2. Administrative Organization

a. The Initial Stage\(^{47}\)

Immediately after the Six Day War of June 1967, the IDF established a military government in the Area. Improvisation was necessary because the IDF had no pre-established command posts for this task; no officers had trained for such functions; and no data was available about the new territories, the local population or the local economy.\(^{48}\) Initially the military government was organized as a four-tier structure:

a) At the top was the Commander of the Central Command who was the Commander of all Israeli Forces in the Area, including all the personnel employed in the military government, yet he bore no legal title within the framework of the military government.\(^{49}\)

b) Under him was the official chief of the military government,

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\(^{45}\) Ibid., Art. 18.


\(^{47}\) The information on the initial stage is based partially on a classified report in Hebrew, prepared by the military government in August 1967, describing its activity in the first months. The report is entitled Military Government Operations in the West Bank (8 June–10 August 1967).

\(^{48}\) Supra note 38. It seems that the Military Advocate General's Corps was more prepared for the task with trained personnel, plans, legal textbooks, instructions and technical organization. See Shamgar, supra note 31, at 24–31.

\(^{49}\) See supra note 31.
entitled "Commander of the IDF in the Area". Although he was subordinate to the Commander of the Central Command, legally speaking he was the supreme authority in the Area, and the proclamations and orders were signed by him. The military government consisted of Headquarters and affiliated field units to be discussed below. The HQ was comprised of two sections—a military section and a civilian section.

c) The Commanders of the IDF brigades deployed in the Area functioned under the Commander of the Central Command. They were assigned, however, additional functions related to the military government, each within the zone of his brigade deployment. For that purpose small groups of military government personnel were attached to them. They were also appointed officially as Military Commanders.  

d) The Area was further subdivided into Districts, in each of which a District Commander was nominated and appointed as Military Commander too. The District Commanders were responsible for local military government operations and they were assisted by a group of military and civilian staff.

After ten days it was realized that this structure was awkward and therefore the second tier of the military government (i.e. the HQ of the Commander of the IDF in the Area) was rearranged: The military arm was dissolved and the civilian arm was integrated into the Central Command HQ as a separate and additional branch under the

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50 See supra note 41. In the initial period 3 Brigade Commanders were appointed as Military Commanders (2 C.P.O.A. 78), then the number was reduced to 2 (6 C.P.O.A. 239).

51 Supra notes 39 and 41. Appointments were published in 2 C.P.O.A. 47-50, 76.

52 Initially the organization and manning of the sub-district commands was based on the idea of a territorial extension of the IDF Internal Territorial Defence Regions which had existed since the early fifties and were a territorial subdivision of the IDF territorial commands. Each territorial command was divided into territorial defence regions. These regions, practically adjacent to enemy sub-districts, were therefore intended to serve as the nucleus of military government in such sub-districts, subject to the Military Commander of the whole region. The idea was discarded very soon after the establishment of military administration in Judea and Samaria. Thereafter military government at all levels became an independent and self-sufficient unit, not relying on other military formations (except operationally to the territorial command). Shamgar, supra note 31, n. 22 at 23–24.
direct control of the Commander of the Central Command, who assumed the office of the Commander of the IDF in the Area. Thenceforth, the orders issued by the Commander were signed under the title “Commander of the Central Command and Commander of the IDF in the Area”.53

Later, the appointment of the Brigade Commanders as Military Commanders was cancelled too, because it was felt that their activity was redundant, as it was restricted mainly to intermediacy between the District Commanders and the Commander of the Central Command.54

A special assistant of the Commander of the Central Command entitled “Chief of Military Government Staff” was appointed to head the civilian arm of the former structure that was now integrated into the Central Command HQ. Although that assistant was actually responsible for the operation of the military government, no powers were legally delegated to him.

b. The Final Structure

The structure described above lasted for about six months, and in December 1967 a decision was taken to separate the military government from the Central Command HQ. A new title was created for the person nominated to head the military government—“the Commander of the Area”, and supreme authority, in accordance with international law, was now vested in him. The Commander of the Central Command again was left without a legal role in the military government structure. The change of title was effected by the Order concerning Interpretation (Additional Provisions) (No. 4),55 which provides in Article 1:

By virtue of my authority as Commander of the IDF in the Area and to remove any doubt, I hereby determine and declare that the person bearing the title “Commander of the Area” has all the powers vested in the person bearing the title of “Commander

53 See 2 C.P.O.A. 46 ff. See also H.C. (High Court) 210/67, David Levie v. IDF Chief of General Staff et al., 21(2) Piskei Din (Reports of the Israel Supreme Court) 165, 166.

54 Shamgar, supra note 31, at 24. Cancellation of the appointments was published in 10 C.P.O.A. 418.

55 Order No. 188, 19 December 1967. 9 C.P.O.A. 368. In Gaza this change was effected only in 1971 (Order No. 383. 26 C.P.O.A. 2174).
of the IDF in the Area”, including all powers of government, legislation, appointment and administration.

Consequently, the Commander of the Area was now actually and legally the head of the military government.

c. Interrelations between the Military Government and the Central Command HQ

Although the Commander of the Area was legally the supreme authority in the area, as an officer in the IDF he was subordinated to the Commander of the Central Command and through him to the Chief of Staff.\(^5\)\(^6\) The Commander of the Central Command continued to be responsible for external security. He was also in charge of internal security, a mission that was carried out by the Brigade Commanders deployed in the field.\(^5\)\(^7\) The District Commanders were operationally subordinated in security matters to the Central Command HQ and in civil matters to the military government. Close coordination between the military government and the Central Command HQ was called for because many of the actions taken by the military government with respect to the local inhabitants could have affected security and vice versa—security operations conducted by the Central Command could have affected the civilian population.\(^5\)\(^8\)

In 1976, a decision was taken to shift responsibility for internal security from the Central Command to the military government.\(^5\)\(^9\)

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\(^5\)\(^6\) Thus, in the Pithat Rafiah Case, Kister J. wrote: “in his actions, the Commander is subject to the instructions of his superiors, on one hand, and, on the other hand, the Military Commander in every enlightened country must act in accordance with the rules of international law which restrict his authority.” H.C. 302/72, Sheikh Suleiman Abu Hilu et al. v. State of Israel et al., 27(2) Piskei Din 169, 185. See Dinstein, supra note 13, at 109, and Shamgar, supra note 31, at 23. See also Dinstein, “Judicial Review of Military Government Activity in the Administered Areas”, 3 Iyunei Mishpat 330, 331 (Hebrew, 1973). Dinstein, “The Judgment in the Pithat Rafiah Case”, 3 Iyunei Mishpat 934, 935–37 (Hebrew, 1974).

\(^5\)\(^7\) In the Gaza District the military government was also responsible for internal security since its inception in 1967 and up to 1971, and then again from 1973 until 1981 when the Civil Administration was established. Between 1971 and 1973 the Military Government was responsible.

\(^5\)\(^8\) In most cases, the operations of the Commander of the Area and the Brigade Commander depended on each other’s approval. In case of disagreement, the issue was referred for the decision of the upper echelons.

\(^5\)\(^9\) In the Gaza District the Commander of the Southern Command was responsible for internal security from 1971–73 (see supra note 57). The assumption of respon-
For that purpose adequate forces were allocated to the Commander of the Area.60 The Central Command continued to be responsible for external security.

d. Internal Organization

The military government was organized as a two-arm structure—military and civilian. The organization of the military arm was similar to that of any other military unit in the IDF, and is beyond the scope of this article. The civilian arm, however, warrants a thorough examination, since its organization has remained basically unchanged even after Order 947 was issued. The civilian arm was always referred to as the “Civil Administration”.61 Similarly, it is stated in the Camp David Framework,62 concluded four years before Order No. 947 was issued, that

In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government.63

60 In the Manual of Military Government issued by the IDF General Staff the new structure of the military government is referred to as unified HQ, i.e. it is responsible for both civilian affairs and security. General Binder 1–291 of 1978 (Hebrew, classified), p. 53.

61 See, for example, a report published by the Ministry of Defence in May 1969, i.e. 12 years before Order No. 947 was issued, entitled Two Years of Military Government 1967–1969, Data on the Activities of the Civil Administration in Judea and Samaria, the Gaza Strip and Northern Sinai (English).


63 It is interesting to compare this text to the earlier proposal of Prime Minister Begin in his Self-Rule Plan which stated in its first article: “The Administration of the military government in Judea, Samaria and the Gaza District will be abolished.” Announced by Mr. Begin 28 December 1977 in the Knesset (Israel Information Centre, January 1980).

The Civil Administration personnel is composed of military officers and civilians. It is divided into three branches: the economics branch (which coordinates the functions of the economic offices such as labour, industry and commerce, transport, etc.); the services branch (which coordinates the functions of the services offices such as education, internal affairs, welfare, health, etc.); and the assets branch (which coordinates the functions of the offices which deal with infrastructure, such as public lands and abandoned property, nature reserves, etc.).

Each branch is headed by an army officer who is responsible for the activity of the civilian offices functioning under him. The number and titles of the offices correspond basically to those of the Israeli Government Ministries. Each office is headed by a Staff Officer who is a civilian representative of the relevant Israeli Ministry. Apart from the Staff Officer himself and a few Israeli aides, all the remaining public officials in each office are local employees. Thus, in 1981 only 365 Israeli officials were employed in the Civil Administration in the Area, as compared with 11,168 local employees.

An important figure in the military government is the legal advisor who is responsible for the operation of the military courts. He also prepares the enactments and other legal instruments issued by the Commander and other functionaries of the military government.

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64 In the Gaza District the Civil Administration has two main branches only. A third branch, which does not coordinate the work of Staff Officers, is the Refugee Rehabilitation Branch.

65 Slight changes are introduced from time to time in this organization.

66 In the Civil Administration, however, there are more offices due to the fact that in some cases two or three offices perform the function of a single Ministry in Israel. Thus the Israel Agriculture Ministry was split into 3 offices in the Area: Agriculture, Water and Public Lands.

67 See Kuttner, “Israel and the West Bank: Aspects of the Law of Belligerent Occupation”, 7 Israel Yearbook on Human Rights 166, 182 (1977). “The Administered Areas, Aspects of Israeli Policy”, Information Briefing (No. 10) 5–6 (Israel Information Centre). See also Two Years of Military Government, supra note 61. This basic work has been updated periodically.

68 Report on the Fourteenth Year of Military Government 14 (Judea and Samaria HQ, March 1981) (Hebrew). The figures do not include the number of Israeli and local policemen. The police in the Area is an independent institution comprised of 390 Israeli policemen and 391 local policemen.

69 The legal advisor is not subordinate to the Commander of the Area, but to the Military Advocate General. Activities of the legal advisors in the Areas administered by Israel are coordinated by the Head of International Law Branch.
c. *The Staff Officer*

Because of the unique nature and function of the Staff Officer within the Civil Administration it is worth quoting a few paragraphs from the standing procedures which determine his status.\(^70\)

1. The following principles and procedures are based on the governmental committee resolution of 11 October 1968:
   
   “a. Supreme authority in an area administered by Israel is vested in the Commander of the IDF in the Area (hereinafter: the Area Commander).
   
   b. The Area Commander is the exclusive formal authority within the area; he legislates when necessary, he is the executive, he appoints local officials including local judges, when necessary. The Area Commander is the sole address for the local inhabitants.
   
   c. The Area Commander is subordinated to the Defence Minister through the IDF channels of command.
   
   d. The various civil activities in the area will be conducted by the appropriate governmental offices, each office within its authority and budgetary responsibility. The representatives of the ministries shall coordinate their activities with the Area Commander. The representatives of the ministries will be—as has been the case till now—Staff Officers of the Area Commander.
   
   e. A representative of a ministry will act according to directives given by his minister and the directorate of his office within the framework of the authorized budget. Such activities are subject to coordination with and approval of the Area Commander.”

Subordination

6. *Discipline*—Staff Officers... are considered formally as employed on a mission on behalf of the IDF,\(^71\) and the

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\(^70\) Procedures adopted by the Committee of Directors-General on Civil Affairs in the Areas Administered by Israel, 27 November 1970 (Meeting No. 75).

\(^71\) The Military Justice Law, 1955, Article 8, provides as follows:
Military Justice Law is applicable to them. However, because of their unique status, special arrangements limiting this application were determined, in consultation with the Civil Service Commissioner.

... 

Appointment

9. The governmental office is responsible for manning the posts of the Staff Officer...

10. The governmental office will appoint its representatives in the area in coordination with and with the approval of the Commander.72

...

Uniforms

15. Staff Officers... may wear uniforms:
   a. Staff Officers shall wear the ranks worn by them while serving in the army. Those who have not served in the army, or served but not as officers, shall be granted the status of “Staff Officers” and they may wear insignia with the words “Staff Officer”.

...

17. The Commander of the Area may order Staff Officers... to wear uniforms while on duty.73

“This Law shall apply to the following persons, even though they may not be soldiers as defined in Section 1:

...

(3) a person employed on a mission on behalf of the Army.”

(9 Laws of the State of Israel 184.)

72 In the case of Daniel Daniel v. Commander of Judea and Samaria a petition was submitted to the High Court of Justice by an Israeli Government official because an objection to his employment in the military government was raised by the Commander of the Area. The Court held that “We have not seen any basis for the contentions raised by the petitioner against the decision of the Area Commander: A commander of an Area administered by Israel is authorized, by virtue of his status in the Area, to accept or to reject any employee sent by an Israeli Governmental Office to serve in the Area. This authority, stemming from the special legal status of the Area and from the powers vested in the Commander of such Area, found expression in the decisions of the Governmental Committee and the Committee of Directors-General which in 1968 consolidated the rules according to which Israeli Government officials will be employed in the military government.” (H.C. 466/75, 30(1) Piskei Din 813, 814.)

73 During the initial period of the military government, Staff Officers indeed wore uniforms with ranks or insignias, but this is no longer so.
f. Coordination of Activity

Policies for the administration of the Area are determined by the Defence Minister who is assisted by the Coordinator of Activities in the Administered Areas. The Coordinator was, prior to the issuance of Order 947, also the Chief of the Military Government Department in the IDF General Staff.

The Coordinator's two functions, both in the IDF and in the Defence Ministry, permitted simplification of procedures and tight coordination between the ministerial level and the IDF. In addition, a Committee of Directors-General for Civil Affairs dealt with all civil and economic issues of the Administered Areas. Coordination between the military government and the Israeli ministries is maintained through two channels:

a) between the ministry and the Staff Officer representing it in the Civil Administration; and

b) between the ministry and the Coordinator.

B. Civil Administration Pursuant to Order 947

1. Legal Framework

a. Background

In 1981 a decision was taken to reorganize the military government in Judea, Samaria and the Gaza District. The contemplated plan was as follows:

a) The Commander of the Territorial Command (Central Command as regards Judea and Samaria and Southern Command as regards Gaza) shall assume the title of "Commander of the IDF in the Area". Consequently the role of the Commander of the Area will be redundant and therefore it will be abolished.

b) The Commander of the IDF in the Area shall appoint a Civil Administrator to head the Civil Administration of the military government and delegate to him all his powers concerning civil affairs.

74 A Coordination Committee which dealt with political and security matters was once functioning too, but its operation was discontinued (Kuttner, supra note 67, at 182).

75 See the resolution of the Governmental Committee of October 1968, cited in Procedures concerning Staff Officer Status, in supra note 70.
c) All military functions and powers of the former Commander of the Area shall be subsumed within the Territorial Command HQ. Thus the Commander of the Territorial Command will be responsible for internal security in addition to his responsibility for external security.

The reasons for the reorganization of the military government were reflected in an official announcement made by the Defence Ministry spokesman on 29 September 1981. According to the announcement, under the new scheme the Civil Administration would be directly under the Defence Minister. The Civil Administration would gradually be taken over by civilians and the aim was that local Palestinians would assume the administrative tasks, including senior positions.\textsuperscript{76} The reorganization was being introduced to help set the stage for the autonomy scheme.\textsuperscript{77} This point was further elaborated in an interview with the Head of the Civil Administration after his appointment:

The Civil Administration is part of the separation of the civilian functions from the military functions of the defence minister’s executive organs in the area. The Israeli government has not changed the legal status of our operations in the area. Since 1967, Israel has announced that it will observe the various international conventions regarding occupied territories, notwithstanding the fact that since 1967 Israel has always refused to accept the term. This is still the basis of our operations here.

Civil administration does not mean that this is an administration operated by civilians but an administration dealing with the affairs of civilians. It reflects the understanding that the separation of executive functions between military and civilian affairs would better suit the needs of the population and the policy aims of the government. But of course we hope and believe that the atmosphere in the area will be such that moderate people, pragmatic people, will be encouraged to join the peace process, and in that respect we may be in a sense preparing a political atmosphere which may be conducive to the full implementation of the Camp David accords.\textsuperscript{78}

\textsuperscript{76} This statement referred to the senior positions, mainly because the overwhelming majority of positions were already filled by local inhabitants; see supra note 68.

\textsuperscript{77} Jerusalem Post, 23 September 1981.

\textsuperscript{78} Jerusalem Post, 19 February 1982.
Explaining why the new reorganized structure is better than the previous military government, he added that

A Military Governor charged with both security and civil affairs will always have to postpone important civil matters to deal with urgent problems of security.\(^{79}\)

On 1 November 1981, the Chief of the General Staff appointed the Commander of the Central Command to be the Commander of the Area.\(^{80}\) On 8 November, an amendment to the Order concerning Interpretation was issued, stating that

1. In every place in the Security Enactments, the words “Commander of the Area” will be replaced by the words “Commander of the IDF in the Area”.

2. To remove any doubt, all governmental, legislative, appointive or administrative powers that were formerly vested in the Commander of the Area are hereby vested in the Commander of the IDF in the Area.\(^{81}\)

On the same day the Order concerning the Establishment of a Civil Administration was issued,\(^{82}\) and the Commander of the IDF in the Area appointed the Head of the Civil Administration in accordance with Article 1 of that Order.

\(^{79}\) *Ibid.*

\(^{80}\) The appointment was published, like all similar appointments, in the Supreme Command Directives (Circular 4–82). These Directives, issued by the Chief of the General Staff with the approval of the Defence Minister, determine the basic principles related to the organization of the IDF, its proper administration and discipline. On 14 January 1982 the Commander of the Southern Command received an identical appointment regarding Gaza.

\(^{81}\) Order concerning Interpretation (Additional Provisions) (No. 6) (Judea and Samaria) (Order No. 946), 1981. This Order was signed by the Commander of the Central Command as “Commander of the Area”, but henceforth all Orders were signed under the title of “Commander of the IDF in the Area”. A similar Order was issued in Gaza (Order No. 724, 30 November 1981).

\(^{82}\) Text of the Order translated into English appears in the Annex. The Order was amended on 16 December 1981 by Order 950, which added Article 6(b). A similar amendment was introduced in Gaza by Order 730 on 17 December 1981.
b. Commentary on the Order concerning the Establishment of a Civil Administration

Article 1 — Definitions

In this Order —
"Head of the Civil Administration"—Whoever will be appointed by me to be the Head of the Civil Administration in the Area.

The fact that the Head of the Civil Administration is appointed by the Commander of the IDF in the Area makes it clear that the Civil Administration is not an independent body; the Head of the Civil Administration is answerable to the Commander and all his powers, as set forth in the Order, are originally those of the Commander who has chosen to delegate them to the Head of the Civil Administration.

Article 2 — Establishment of Civil Administration

A Civil Administration is hereby established in the Area. The Civil Administration will administer the civil affairs in the Area, in accordance with the provisions of this Order, for the welfare and benefit of the population, and for the supply and operation of public services, taking into account the need to maintain proper administration and public order in the Area.

In fact, the Civil Administration existed long before this Order was issued. The first sentence of Article 2 merely formalizes it. It is again emphasized that the Civil Administration is not an independent body, but an organ of the military government. The second sentence of the Article sets forth the guidelines for the Civil Administration, which are first and foremost in the interests of the local inhabitants. The end of the sentence calls for a balance between the interests of the inhabitants and the duty to maintain public order in the Area imposed by Article 43 of the Hague Rules.

Article 3 — Powers of the Head of the Civil Administration

(a) The Head of the Civil Administration shall be accorded the following powers:

1. All powers set forth in the Law, excluding powers set forth in the enactments detailed in the first Appendix.

83 See supra note 61 and related text.
84 Supra note 8.
2. All powers set forth in the Security Enactments detailed in the second Appendix.

(b) For the purposes of this Article, enactments issued by virtue of the Law after the determining day shall be deemed as part of the Law and not as part of the Security Enactments.

Article 3 determines the legal framework in which the Head of the Civil Administration functions. Three expressions that have been defined in the Order concerning Interpretation are used in this Article, and therefore their definitions should be read together with the text:

"Law" means any legislative act of the legislative authority which was in force in the Area on the determining day, including every directive given by virtue of such legislative act but excluding a security enactment.

"Security Enactment" means a proclamation, order, notice, notification, request, permit, appointment or any other document issued either before or after the commencement of this Order by the Commander of the Israeli Forces in the Area, a Military Commander or other authority acting for them or on their behalf or with their approval.

"The determining day" means 7 June 1967.

It follows that "Law" means the Jordanian Law as it stood on the day of the IDF entry into the Area, whereas "Security Enactment" means any legislation issued in the Area during the period of Israeli control, whether in the civilian or security areas of concern. (These two terms are used accordingly in this article.) Consequently, Orders of the Commander amending the Jordanian law are considered Security Enactments and not Law.

The thrust of Article 3 is to divide the powers which were vested in the Commander prior to the day of issue of this Order between him and the Head of the Civil Administration so as to leave the Commander with powers related to security only and to delegate to the Head of the Civil Administration all powers related to civil affairs. The majority of powers set forth in the local Jordanian law have

85 Supra note 42. According to Article 1 of the Order, the words and phrases defined in that Article shall be construed in any Security Enactment in the same manner.
nothing to do with security, and therefore it was easier to state that all such powers will be accorded to the Head of the Civil Administration, except those that are detailed in the first Appendix. Indeed, only four Jordanian enactments are included in the first Appendix and their titles speak for themselves. They are the Law for the Defence of East Jordan of 1935, the Defence (Emergency) Regulations of 1945, the Prisons Law of 1953 and the Guards Law of 1925 (which deals with the preservation of security). On the other hand, most of the Security Enactments naturally deal with matters of security, and therefore it was easier to identify each Order that deals with civil affairs and to specify it individually. One hundred and fifty nine such Orders have been identified and were included in the second Appendix to the Order at the date of its issue. The consequence of their inclusion is that the Head of the Civil Administration is empowered to function in accordance with them. Paragraph (b) of Article 3 was necessary because of a difficulty posed by the definitions of “Law” and “Security Enactments”. The effect of these two definitions read together is that all secondary legislation issued by the military government by virtue of the Jordanian law in civil spheres shall be deemed as Security Enactments. Such secondary legislation includes a multitude of regulations, notices, notifications and appointments. It also includes individual acts, such as permits and licenses. It was impossible to place the Head of the Civil Administration in charge of all these enactments by including each of them in the second Appendix. Paragraph (b) solves the problem by determining that these enactments shall be deemed, for the purposes of this Article, as part of the Law. Thus the Head of the Civil Administration is accorded the powers set forth in them in accordance with paragraph (a)1 of Article 3.  

Article 4 — Secondary Legislation

The Head of the Civil Administration is empowered to issue secondary legislation by virtue of the Law and the Security Enactments according to which he is empowered to function.

86 The interpretation offered by Kuttab and Shehadeh (supra note 5, at 11–15) that paragraph (b) of Article 3 was intended to change the status of the military orders and turn them into permanent legislation is therefore completely erroneous.
The content of Article 4 seems to be essentially declaratory, due to the fact that Article 3 empowers the Head of the Civil Administration to exercise all powers set forth in the Law and the Security Enactments which appear in the Appendix. These powers usually include the power to issue secondary legislation. The Commander of the IDF in the Area continues to be the legislator of primary legislation. It should be pointed out that the power of the Commander to issue primary legislation extends both to the military and civilian spheres.

In a democratic country it is usually quite simple to distinguish between primary and secondary legislation by identifying the organ—whether legislative or executive—that issued them. This is indeed the case with Jordanian legislation. In occupied territories the situation is different, because all three traditional branches of government are vested in one person—the Supreme Commander.87

The following guidelines apply to legislation in the Areas Administered by Israel:

a) The Supreme Commander alone, whatever title he carries, from time to time issues primary legislation.88

b) The power to issue secondary legislation is delegated routinely to every appointee who receives executive powers.

87 "the powers of the High Commission cannot be separated into legislative, judicial, and executive. There is no profit in examining, for example, whether its right to approve German statutes was a legislative power, whether its right to cancel court decisions was judicial power, or whether both were attributes of executive power. Occupation represents not a constitutional government, characterized by a balance of powers, but rather a sort of emergency government in which all forms of power are concentrated in one centralized body. As Ireton, American analyst of the Rhineland occupation, has expressed it..."

"The High Commission... is the antithesis of the legal doctrine enunciated by Montesquieu and so readily accepted by the framers of our Constitution: the triune distinction of power, the separation of governmental authority into executive, legislative and judicial departments, each distinct and independent of the others, yet all so correlated as to make one consistent, harmonious and logical system of government. The Commission itself exercises executive, legislative and judicial authority, and not infrequently issues its administrative mandates, enacts important and far-reaching ordinances, and reviews, as would an appellate court, the action of a German civil or criminal court at one and the same sitting."

Fraenkel, Military Occupation and the Rule of Law 84–85 (1944).

88 This does not mean that the Commander does not issue secondary legislation too. This is usually done in important cases and especially when it relates to matters of security.
c) Amendments to primary local law are done only through primary Security Enactments, whereas secondary local law (e.g. Jordanian regulations enacted by a given Jordanian Minister by virtue of a Jordanian law) may be amended by secondary Security Enactments.

d) Primary legislation is entitled either Proclamations\textsuperscript{89} or Orders. They are numbered consecutively.\textsuperscript{90}

e) Secondary legislation always denotes the title of the primary legislation by virtue of which it is issued.\textsuperscript{91}

\textit{Article 5 — Appointments and Powers}

The Head of the Civil Administration may, within the framework of the powers conferred upon him:

(a) appoint functionaries within the Civil Administration;

(b) empower any person to function in accordance with the Law and the Security Enactments;

(c) empower any such person, noted in subparagraph (b) above, to issue secondary legislation by virtue of the Law and the Security Enactments.

Article 5 repeats the principle embodied in Article 18(b) of the Order concerning Interpretation [(3) (b) at footnote 45].\textsuperscript{92} This repetition was necessary in order to avoid the Head of the Civil Administration's having to request written authorization for delegation of power from the Commander, as called for in Article 18(b). Paragraph (a) enables the Head of the Civil Administration to appoint functionaries without necessarily delegating to them any powers by virtue of the Law or the Security Enactments.\textsuperscript{93} Paragraph (b) enables

\textsuperscript{89} Three such proclamations were issued. \textit{See supra} notes 32, 33 and 41.

\textsuperscript{90} One exception to this rule is the Order for temporary seizure of property for military purposes. Although this Order is considered primary legislation, it bears no number. The reason for this exception is probably that such an Order is directed against an individual person—the owner of the property—and not against the whole public or part of it.

\textsuperscript{91} The question of whether the Orders of the Commander should be considered by the Israeli Supreme Court as primary or secondary legislation is a different issue (\textit{see supra} note 56). Here we deal only with the hierarchy of security legislation within the Area.

\textsuperscript{92} Text of Article 18(b) at \textit{supra} note 45.

\textsuperscript{93} This paragraph was used, \textit{inter alia}, to appoint District Commanders. Such appointees may be given, in addition, powers under paragraph (b).
the Head of the Civil Administration to delegate powers to persons who are not employees of the Civil Administration.94

Article 6 — Preservation of Powers

(a) Nothing in this Order will prejudice any appointment given or power conferred by virtue of the Law or the Security Enactments prior to the date of entry into force of this Order, unless the Head of the Civil Administration, within the framework of the powers conferred upon him, will assume them himself or confer them upon another person.

(b) To remove any doubt, nothing in this Order will restrict or abrogate any power or right of the Commander of the IDF in the Area or of whoever is appointed by him or on his behalf.

On the day Order 947 was issued most of the powers of the Commander had already been distributed among the various Staff Officers. The aim was not to take back all these powers from the Staff Officers and grant them to the Head of the Civil Administration, but to place him between the Staff Officers and the Commander and to allow him to exercise powers that are distributed among the Staff Officers, in the same manner as the Commander could have done in accordance with Article 17 of the Order concerning Interpretation.95

To remove any doubt, Paragraph (b) of Article 6 was intended to confirm that the Commander has not relinquished any of his rights under international law. This provision was added because the Pre-amble and Article 2 could have been interpreted as meaning that all activity of the Civil Administration was for the benefit of the local population only, and therefore rights accorded to the occupant by international law shall no longer be valid. For example, Article 49 of the Hague Rules96 allows the occupant to levy money contributions for the needs of the army or for the administration of the occupied

94 Thus, for example, powers were delegated to the Israeli Examiner of Banks under the local law, similar to those he has under the equivalent Israeli legislation (Order No. 45 concerning the Banks Law. 3 C.P.O.A. 91).
95 Supra note 42.
96 Supra note 8.
territory. Another example is Article 55 of these Rules, according to which the occupant is considered as the usufructuary of public immovable property. Paragraph (b) only repeats a general principle set out in Article 8(e) of the Order concerning Interpretation which reads:

Unless otherwise provided, Security Enactments shall not be construed so as to derogate from the existing rights, powers, authority and immunities of the Commander of the IDF in the Area that derive from the IDF government in the Area.

2. Administrative Organization

a. Changes within the Internal Organization

Few changes were introduced within the internal organization of the civilian arm of the military government, apart from superimposing a Head and adding some new posts, mainly for maintaining liaison with the military arm of the military government, now integrated into the Central Command. The Civil Administration continues to occupy the same premises as before. The Head of the Civil Administration now sits in the same room where the Commander of the Area used to sit. The Head of the Civil Administration in Judea and Samaria is a civilian, whereas his counterpart in the Gaza District is a military officer. This difference has no significance since, in any case, the Civil Administration is comprised of both civilian and military personnel.

b. Changes in the Districts

The District Commanders were stripped of their military responsibility, which was reinvested in the Brigade Commanders. The District Commanders now deal only with civil affairs under the direction of the Head of the Civil Administration. The Brigade Commanders were reinstalled as Military Commanders, and they function under the Commander of the IDF in the Area.

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97 Israel, though, has never exercised such powers in the Areas it administers. See The Rule of Law in the Areas Administered by Israel 93 (Israel National Section of the International Commission of Jurists, 1981).
98 Supra note 42.
99 See text related to supra note 64.
100 Supra note 41.
c. Changes in the Coordination of Activity

The post of the Coordinator of Activity in the Administered Areas (who was both an assistant to the Defence Minister and the Chief of the Department of Military Government in the General Staff of the IDF) was split into two parts. The Department of Military Government is subsumed in the General Staff, and it coordinates the military activity of the Commanders of the IDF in the Areas. The Coordinator, who is now a civilian, continues to assist the Defence Minister and coordinates the activity of the Heads of the Civil Administrations in the Areas. Close liaison is maintained between the unit of the Coordinator and the Department of Military Government in the General Staff.

IV. CONCLUDING REMARKS

The establishment of Civil Administrations in the Areas administered by Israel was not a revolutionary change, but rather another reorganization of the military government—the last in a series of reorganizations that were introduced since its inception in 1967. Such changes are perpetrated in order to constantly adapt the military government to new challenges that it faces due to changing circumstances. It might not be the last change, but it is hoped that a political agreement will soon be reached that will enable the local inhabitants in the Areas to govern themselves, so that no military government of any type will be necessary anymore.
ANNEX

ISRAEL DEFENCE FORCES
ORDER CONCERNING THE ESTABLISHMENT
OF A CIVIL ADMINISTRATION

ORDER No. 947

By virtue of my authority as Commander of the IDF in the Area, and whereas I consider it necessary for maintaining proper administration and public order, and for ensuring the welfare and benefit of the population and for the supply and operation of public services, I hereby order as follows:

1. In this Order—
   "Head of the Civil Administration"—Whoever will be appointed by me to be the Head of the Civil Administration in the Area.

2. A Civil Administration is hereby established in the Area. The Civil Administration will administer the civil affairs in the Area, in accordance with the provisions of this Order, for the welfare and benefit of the population, and for the supply and operation of public services, taking into account the need to maintain proper administration and public order in the Area.

3. (a) The Head of the Civil Administration shall be accorded the following powers:
   1. All powers set forth in the Law, excluding powers set forth in the enactments detailed in the first Appendix.
   2. All powers set forth in the Security Enactments detailed in the second Appendix.

(b) For the purposes of this Article, enactments issued by virtue of the Law after the determining day shall be deemed as part of the Law and not as part of the Security Enactments.

4. The Head of the Civil Administration is empowered to issue secondary legislation by virtue of the Law and the Security Enactments according to which he is empowered to function.
5. The Head of the Civil Administration may, within the framework of the powers conferred upon him:
(a) appoint functionaries within the Civil Administration;
(b) empower any person to function in accordance with the Law and the Security Enactments;
(c) empower any such person, noted in subparagraph (b) above, to issue secondary legislation by virtue of the Law and the Security Enactments.

6. (a) Nothing in this Order will prejudice any appointment given or power conferred by virtue of the Law or the Security Enactments prior to the date of entry into force of this Order, unless the Head of the Civil Administration, within the framework of the powers conferred upon him, will assume them himself or confer them upon another person.
(b) To remove any doubt, nothing in this Order will restrict or abrogate any power or right of the Commander of the IDF in the Area or of whoever is appointed by him or on his behalf.

7. This Order will enter into force on the day of its signature.

8. This Order shall be entitled: "Order concerning the Establishment of a Civil Administration (Judea and Samaria) (Order No. 947), 1981".

First Appendix*
Second Appendix*

November 8, 1981

Uri Or, Major General
Commander of the IDF in the Area of Judea and Samaria

* Laws listed in the first Appendix and Security Enactments listed in the second Appendix deleted.