



Report of the State Comptroller of Israel |  
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Interdisciplinary Audit

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# **Evacuation of Parts of Israeli Settlements in Judea & Samaria and Attending to Evacuees**



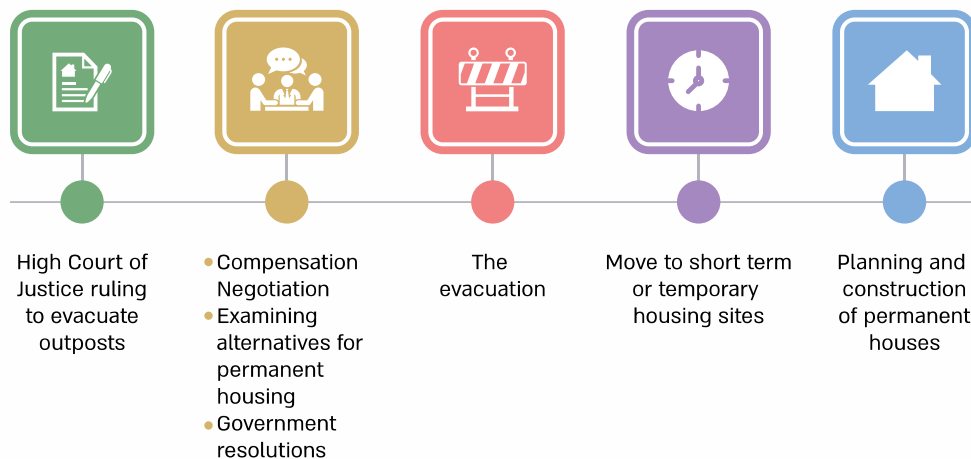


# Evacuation of Parts of Israeli Settlements in Judea & Samaria and Attending to Evacuees

## Background

From 2012 to 2022, 115 families were evacuated from four Israeli settlements in Migron, Amona, Ofra, and Netiv HaAvot in Judea & Samaria following High Court of Justice ruling by which these were illegal settlements built on private land and under various government decisions. The evacuation and demolition of houses where evacuees had lived for many years led to grave implications both in individual and community aspects. Following the High Court of Justice ruling, the government decided, among other things, on the short-term housing site<sup>1</sup> for evacuees on the evacuation day, the construction of a temporary housing site<sup>2</sup>, the scope of compensation to evacuees, and the construction of public buildings and permanent houses.

## Main Milestones from Evacuation to Permanent Housing



According to data collected during the audit and processed by the State Comptroller's Office.

- 1 Short-term Housing – hotels, guest houses, hostels, etc. to which evacuees were brought right after the evacuation as a short-term housing solution.
- 2 Temporary Housing – temporary housing (such as caravan and caravillas) sites designated for evacuees until permanent houses are built.



## Key Figures

**115**

families were evacuated from Migron, Amona, Ofra and Netiv HaAvot

**7 to 9 years**

evacuees from Migron stayed at the temporary housing

**14 months**

evacuees from Amona stayed in short-term housing at Midreshet Ofra, until the establishment of temporary housing in Amichai

**about 6%**

allocated by the government under the decision to provide support to the evacuees from Amona, Ofra, and Netiv HaAvot, as a solution for exceptional circumstances – was not executed

**45%**

of the families evacuated from Migron, Amona, Ofra, and Netiv HaAvot built their permanent houses

**12%**

rate of erosion of compensation funds value granted to evacuees from Netiv HaAvot following the delay in building permanent houses and the lack of a compensation mechanism related to the index for evacuees' funds

## Audit Actions







From August 2021 to June 2022, the State Comptroller Office examined the handling of evacuees from Israeli settlements following the High Court of Justice ruling and the implementation of government resolutions in this regard. The examination included the relevant entities' responsibility and authority in implementing these government resolutions, the implementation of the resolution, and the lesson-learning processes. The audit was conducted in the Ministry of Defense – at the office of the Assistant Minister of Defense for Settlement Affairs, at the Logistics and Assets Department and the Department of Engineering and Construction in the Ministry of Defense, in the Ministry of Interior, Ministry of Justice, Ministry of Finance, Israel Police, the unit for the Coordination of Government Activities in the territories, the Civil Administration in Judea and Samaria and the regional councils of Mateh Binyamin and Gush Etzion. Moreover, the audit team met with former relevant officials: the former Acting Director General of the Prime Minister's Office and Cabinet Secretary, the former Consultants to the Minister of Defense on Settlement, and the Ministry of Defense's Legal Advisor.

The audit included Public participation outcomes collected through meetings with evacuees from Israeli settlements and their representatives.



## Key Findings

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**Integrative Entity in Charge of Evacuation of Parts of Israeli Settlements** – the State Commission of Inquiry to Examine "State Investigation Committee on the treatment of competent authorities in Gush-Katif and northern Samaria" noted the importance of establishing a multidisciplinary entity coordinating the handling of settlements evacuation. However, no entity was in charge of integrating the work done by the various bodies responsible for implementing the government resolutions, directing these bodies, or coordinating between them. Moreover, there was no designated entity to be approached by the evacuees, the committees representing them, and the relevant regional councils. In the absence of a single entity that guides and coordinates between the different bodies regarding the outpost's evacuation, it is impossible to carry out an optimal evacuation process or devise optimal solutions for evacuees.
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**Monitoring the Implementation of Government Resolutions** – concerning the implementation of two resolutions, regarding the evacuation of Netiv HaAvot, included in the Prime Minister Office's follow-up report (Government Resolution 3598) and the construction of a temporary housing site for Amona and Ofra's evacuees (Government Resolution 2178), some clauses were marked as "executed", still, they were not executed or only partially executed. In addition, the reports on implementing government resolutions did not present the condition of evacuees, and the Prime Minister's Office did not hold follow up discussions about the implementation of government resolutions on parts of settlements points evacuation. Hence, government and the relevant units in the regional councils or the ministries could not detect gaps or barriers and handle them in time, for instance, by shortening the length of stay at short-term and temporary housing. The need to follow up on implementing government resolutions is enhanced given the length of stay in short-term and temporary housing. For example, Migron evacuees lived in temporary housing for seven years; Amona evacuees stayed in short-term housing for 14 months, and Netiv HaAvot evacuees stayed in temporary housing from June 2018 until the audit completion.
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**Public Buildings for Amona's Evacuees** – following the delay in temporary housing for Amona's evacuees, they continued to live in short-term housing for 14 months resulting in an unplanned expense of NIS 5 million, which was deducted from the budget designated for the construction of public buildings in Amihai. This state of affairs raises concerns that the public buildings might not be built as planned, increasing the harm to the evacuees, with an emphasis on community activity based on public buildings.
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**Netiv HaAvot Evacuees' Stay at Temporary Housing** – as of the audit completion, Netiv HaAvot evacuees had not moved into their permanent houses due to Palestinians'



appeals against building permanent houses in the Elazar settlement. Therefore, the evacuees had been living in temporary housing for about four years – from the evacuation day to the audit completion, despite receiving a grant for only three years. Since the evacuees continued to pay their monthly rent, the above delay economically impacted them. Moreover, the former Cabinet Secretary had not reported to the prime minister about the government resolution implementation of the evacuation of Netiv HaAvot residents every three months under Government Resolution 3598, and that the gaps related to grants intended to pay for management, maintenance, and rental fees had not been discussed by the government.



**Forming a Compensation Mechanism for Migron's Evacuees** – the government resolution on Migron did not include a compensation mechanism and criteria for granting compensation, similar to the mechanism formed for the Disengagement evacuees and the evacuees from Amona, Ofra, and Netiv HaAvot who were evacuated afterward. The regional council of Mateh Binyamin granted compensation to Migron's evacuees in April 2021, nine years after the evacuation, based on the compromise agreement signed with the Prime Minister's Office in November 2018.



**Erosion of Compensation Funds Value Granted to Netiv HaAvot's Evacuees** – the government resolutions about evacuating part of settlements points do not include a mechanism related to the index for evacuees' funds. The rate of change in the residential construction input price index between the evacuation decision date and the completion of permanent houses for Netiv HaAvot's evacuees was about 12%. Given the delayed move of Netiv HaAvot's evacuees to permanent houses, the erosion in the compensation value set for them compared to the amount estimated by the government appraiser in August 2018 is estimated at NIS 2.5 million as of May 2022.



**Compensating Evacuees Under Exceptional Circumstances Through a Special Committee** – the government allocated NIS 6 million to support evacuees from Amona, Ofra, and Netiv HaAvot in response to exceptional circumstances. Although the evacuees from Amona, Ofra, and Netiv HaAvot had submitted 26 support applications, as of the audit completion, the regional councils had not discussed them to advance support, partially because the Ministry of Finance had not appointed a designated professional official, according to the government resolution. Hence, the budget above, allocated by the government, had not been executed, and the purpose of the assistance was not achieved, impairing the treatment of the evacuees.



**Welfare Assistance to Evacuees** – the government resolutions about the evacuation of Israeli outposts did not address evacuees' welfare, despite its importance, as presented in the national commission of Inquiry report about the lessons learned from the Disengagement. As a result, no budgeted welfare plan was devised for the evacuees. Mateh Binyamin and Gush Etzion regional councils carried most of the burden of handling the evacuees. They shifted some of their budgetary and HR resources from welfare populations to the evacuees.



**Lesson Learning Process** – as of the audit completion, there was no entity responsible for reviewing the lessons learned following the evacuation of Judea & Samaria settlements points to integrate the implementation of government resolutions by the main bodies handling the evacuation – the Cabinet Secretary, the Ministry of Defense (including different units in charge of evacuation) and the Consultant to the Minister of Defense on Settlement, relevant ministries and the regional councils to which the evacuees were moved. The following main lessons and conclusions discussed by the national commission of Inquiry concerning the Disengagement were not implemented: establishing a multi-disciplinary body responsible for the implementation of the evacuation process, refraining from using short-term housing, and preparing to transfer evacuees directly to temporary housing and permanent houses and providing welfare solutions.



**Transfer of Amona's Evacuees to Temporary Housing** – the State Comptroller Office commends Amona's evacuees' transfer to temporary housing adjacent to the permanent housing site in Amihai. Thus, enabling the evacuees to supervise the construction of their permanent houses, to move their property from house to house independently, and to continue to live within their community right after moving into the temporary housing site adjacent to their future permanent houses in Amihai.

## Key Recommendations



Given the importance and sensitivity embedded in the process of evacuation of parts of settlements points and attending to evacuees, and in the absence of a regular entity integrating follow-up and responsible for notifying the government about the implementation gaps of its resolutions, it is recommended that as long as the government does not appoint such an entity, the Cabinet Secretary, based on the power vested in him under the government's bylaws, regularly follows-up the implementation of government resolutions about outposts evacuation and notifies the government about barriers and gaps found in the implementation process.



As a lesson learned from the Disengagement Program, recommended by the national commission of Inquiry and given the prolonged arrangement process for Migron's evacuees, it is recommended that the government adopts a comprehensive plan for advancing the construction of permanent houses and public buildings for the evacuees in proximity to the High Court of Justice ruling. This plan should include a realistic timetable allowing all concerned parties to complete their assignments, including handling unexpected issues. It is further recommended that it is done after the Ministry of Defense and the Civil Administration in Judea and Samaria, in cooperation with the relevant entities



at the Prime Minister's Office, provide proper solutions to the move into temporary and permanent housing in coordination with the relevant ministries. In addition, it is recommended that the government set the arrangement for a permanent solution and form a timetable for a rapid move to permanent houses so the evacuees can resume their routine family and community life as soon as possible.



It is recommended that the Cabinet Secretary ensure that the decision proposal submitted to the government includes a compensation fund mechanism related to the index to support evacuees (for instance, that the appraiser's evaluation is linked to the residential construction input price index). The lack of the above mechanism applied to compensation funds might lead to erosion of the fund's value that the evacuees are entitled to under government resolutions.



The regional Councils should finish the work of their special committee to submit their recommendations to the Ministry of Finance for approval. Furthermore, the regional councils and the Ministry of Finance should collaborate to execute the government support, and the Ministry of Finance should appoint a designated representative experienced in compensation arrangements to examine the submitted requests enabling the evacuees to use the designated budget determined by the government.



Any future decision proposal submitted to the government about settlements' points evacuation is recommended to include provisions for welfare solutions led by the Ministry of Welfare in cooperation with the regional councils' welfare departments. It should be accomplished through a plan including the appointment of relevant professionals, an adequate budget for regional councils' welfare departments, and a set timetable. It is appropriate that the Ministry of Welfare consider prolonging the family support plan up to a year from evacuation (according to the national commission of Inquiry's recommendations) to allow optimal adjustments to evacuation implications.



It is recommended that if no designated official is determined by the Prime Minister, the Cabinet Secretary will conduct a lesson-learning process including significant lessons raised by the entities involved in the evacuation in the past decade – lessons learned by the regional councils that hosted the evacuees and were in direct touch with them and those learned by the various ministries and the Civil Administration in Judea and Samaria. It is further appropriate that the government discuss the concentrated lessons and that it serves as a basis for a learning process.



It is recommended that the Civil Administration in Judea and Samaria monitor follow up processes of the decision making over appeals in Netiv HaAvot and act upon them. If it is necessary, it's recommended to ask the Coordinator of Government Activities in the Territories to get involved in this issue.



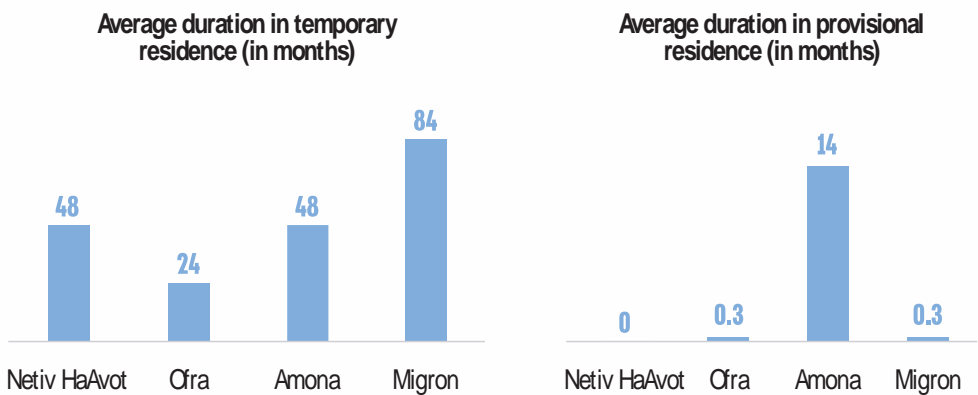
As for Netiv HaAvot's evacuees, it is recommended that the Cabinet Secretary informs the government about the delay in moving them to permanent housing and request the government to decide on additional assistance for the evacuees, given their prolonged stay





at temporary housing. It is further recommended that the Cabinet Secretary map and remove the barriers preventing the completion of the planning process and report quarterly to the Prime Minister on the progress of moving to permanent housing according to government resolution.

**Average Length of Evacuees' Stay at Short Term Housing and Temporary Housing as of the Audit Completion**



According to regional councils' statistics, processed by the State Comptroller Office.



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## Summary

This Audit includes deficiencies noted in the process of parts of settlements points and families' evacuation. These deficiencies should be considered for handling the evacuees who still have not moved to permanent houses under the government resolutions. The deficiencies should also be considered when deciding on the settlements points 's evacuation in the future if such decisions are made. By the audit, although the lessons and recommendations of the national commission of Inquiry about the "handling of evacuees of Gush Katif and North Samaria by the authorized authorities" were available to decision-makers, most of them were not implemented. There was no single integrative entity that coordinated or guided the various bodies that were given the responsibility to implement government resolutions, and the government was not informed about different problems and barriers that postponed the solutions provided to the evacuees. In the absence of such an entity, managing budgets and timetables for the evacuees are deficient. For example, some evacuees stayed in short-term and temporary housing for a considerable time, which was inconsistent with the government resolution by which all concerned parties should make all necessary efforts to arrange the sites intended to construct permanent houses urgently and immediately. Moreover, by the audit, no entity has conducted a comprehensive lesson-learning process following the evacuation of these parts of the settlements points to study and improve work processes regarding the treatment of evacuees. Given the evacuation of families from their homes is a long, sensitive, and complicated process, it is recommended that the government considers appointing a designated entity to lead, coordinate and integrate the efforts of the various ministries and local authorities to advance the construction of permanent houses and public buildings for the evacuees. That might enable the evacuees to resume their routine family and community life as soon as possible.