

## **The Israeli Government: How Does It Work?**

In the State of Israel, as in other democratic states, rule is rooted in the following liberal principles and institutions: basic laws that lay down the order of government and the rights of citizens; the holding of elections to the house of representatives based on the principle of the rule of the majority, with the rights of the minority guaranteed by law; the principle of the separation between the legislative branch, the executive branch, and the judiciary, to which the institution of state control has been added; freedom of the press.

### The Electoral System

The elections in Israel are general, equal and secret. On the national level they are held at least once every four years, and on the municipal level at least once every five years. Israel has a system of proportional representation, and the whole state is considered a single constituency. Every party running for election presents a list of candidates, and the number of candidates entering the house of representatives is proportional to the percentage of support the list receives.

Every citizen over the age of 18, whose name appears in the list of voters, may vote.

### The Legislative Branch: The Knesset

The Knesset is the house of representatives of the State of Israel. The Basic Law: The Knesset, states that the seat of the Knesset is Jerusalem, and that upon election it will have 120 members. The law deals with the elections to the Knesset and with the essence of the service, the work and the immunity of the Knesset, its committees and its members. The law does not define the authority of the Knesset and details regarding the way its functions appear in its regulations.

A new Knesset starts to function after general elections are held, which determine its make-up. The President of the State opens the first session of a new Knesset and immediately passes its running onto the eldest Knesset member. At this meeting the Knesset members declare their allegiance, and the Speaker of the Knesset and his deputies are elected.

The Knesset fulfills its functions by means of two arms: the plenary in which all the Knesset members sit and the Knesset committees.

The plenary holds debates within the framework of legislation, government statements, motions for the agenda, motions of no-confidence and questions, and the deliberations usually end with a vote.

Before a bill reaches the plenary for debate, it must go through a fixed process of preparation. A bill may be presented by an individual Knesset member, a group of Knesset members, the Government as a whole or a single Minister.

When a Ministry initiates a bill, a memorandum on the proposed law is passed on first of all to the Ministry of Justice so that its legal aspects may be examined, to the Ministry of Finance for examination of its economic and budgetary aspects, and to the rest of the Government Ministries for their comments. If the memorandum is approved, the bill is passed on for formulation toward its being presented to the Knesset, and which this draft is approved by the Government, it is presented to the Knesset for first reading. Private members' bills, which do not require Government approval, are presented to the Knesset for preliminary reading, after which each law must pass three readings in the plenary.

In first reading the bill is presented to the plenary and a short debate takes place on its content. After that it is passed on to the appropriate Knesset committee for detailed discussion and redrafting, should this be necessary. After the committee has completed its work, the bill is returned to the plenary, and committee members who have reservations present them. At the end of the debate on the bill in second reading, a vote takes place on each article in it, and unless it is found necessary to return it again to the committee, the third reading takes place and a vote is taken on the bill as a whole.

A bill which has passed third reading is signed by the presiding Speaker, and is later published in the Official Gazette, with the signature of the President of the State, the Prime Minister, the Knesset Speaker and the Minister responsible for the law's implementation. Finally the State seal is placed on it by the Minister of Justice.

Knesset members are entitled to present to the Knesset Speaker motions for the agenda that deal with issues on the national agenda.

The content of a motion, which is approved by the Knesset Presidium, is passed on to the Minister responsible for the issue being raised, so that he can prepare a response. In the debate the proposer of the motion explains his motion, and after it is debated a decision is taken, on the basis of a vote in the plenary, whether to hold a more extensive debate on the issue in the plenary, to pass it on for debate in a committee which will then lay on the Knesset table its proposals, or to reject the motion. A motion for the agenda may also be raised as an urgent motion, which comes up for immediate debate, should the Knesset Presidium be willing to accept the urgency of the matter raised.

A motion of no-confidence in the Government is also a sort of motion for the agenda. Such a motion can only be presented by parties which are not represented in the Government, and their intention, in addition to protesting against the Government policy, is to try and bring it down by means of a vote. So far, a Government has been brought down in Israel only once by a vote of no-confidence-on March 15, 1990.

Parliamentary questions are questions directed by a Knesset Member to the appropriate Minister, regarding an action which was taken, or should have been taken and was not. Questions are one of the means at the disposal of the Knesset members to criticize and supervise the activities of the Government. The Minister answers the question in writing or orally.

The Knesset plenary decides on most issues on its agenda by means of a vote, and resolutions are adopted by a majority. A majority usually means the majority of those present at the meeting. There are, however, resolutions which require an absolute majority, and others which require a special majority.

The function of the committees, in addition to dealing with bills, is to supervise the work of the Government Ministries and to hold debates on issues within the realms for which they are responsible, and which are of public interest. By means of the committees, the Knesset maintains direct contact with the Government Ministries, and receives information from Ministers or their representatives.

There are four types of Knesset committees that function on a regular basis:

- Permanent Committees (12): Committee for Advancing the Status of Women; Constitution, Law and Justice Committee; Economic Affairs Committee; Education, Culture, & Sports Committee; Finance Committee; Foreign Affairs & Defense Committee; House Committee; Immigration and Absorption Committee; Internal Affairs & Environment Committee; Labor and Welfare Committee; Science & Technology Committee; and the State Control Committee
- Special Committees (3): Committee on Drug Abuse; Committee on the Rights of the Child; Committee for Foreign Workers
- Parliamentary Inquiry: Appointed by the Knesset Plenum to deal with particular issues viewed as having special national importance.
- Ethics Committee: Responsible for jurisdiction over members who have violated rules of ethics of the Knesset or who have been involved in illegal activity outside of the Knesset.

In addition, there are two types of committees in the Knesset which convene only when needed:

- The Interpretations Committee: Deals with appeals against the interpretation given by the Speaker during a sitting of the plenum to the Knesset Rules of Procedure or precedents. The Committee is made up of the Speaker and eight Knesset members chosen by the House Committee.

- Public Committees: Established to deal with issues that are connected to the Knesset. The members of public committees may be experts in a particular field, public figures, or current or past Knesset members. An example of such a committee is the Public Committee for the Draft of Ethical Guidelines for Knesset Members.

The members of the committees are appointed during the first meetings of every new Knesset with the help of an "arranging committee," which is selected for this purpose.

#### Basic Laws

Even though it was stated in the Proclamation of Independence that the Constituent Assembly, which turned into the First Knesset, would draft a constitution for Israel, this was not done due to differences of opinion with the religious parties.

In place of a constitution, it was decided to legislate a series of basic laws, which in the future would together form the constitution. Even now, more than 60 years after Israel's establishment, the task of drafting a constitution has yet to come to fruition. There are several articles in the existing basic laws which can only be amended by an absolute majority (the support of more than 60 MKs) or a special majority (which is large than an absolute majority) of the Knesset members.

The existing basic laws are:

President of the State (1964) | The Knesset (1958) | The Government (2001) | The Judiciary (1984) | The Israel Defense Forces (1976)

The Capital Jerusalem (1980) | The People's Lands (1960) | The State Comptroller (1988) | The State Economy (1975)

Human Dignity and Liberty (1992) | Freedom of Occupation (1994)

The Executive Branch: The Government

Until after the elections to the 13th Knesset, it was the President who assigned the task of forming a new Government to the head of the list with the best chances of succeeding, who was also usually the head of the largest party in the Knesset. The Government required the

approval of the Knesset, so that it needed to represent a coalition supported by a majority of the Knesset members, even if not all of its supporters were actual members in it.

According to the amendment to the Basic Law: The Government, which was adopted toward the end of the 12th Knesset, as of the elections to the 14th Knesset, simultaneous elections will take place for the Knesset and a directly elected Prime Minister. As in the past, the new Prime Minister will have to present the Ministers in his Government to the Knesset, as well as the distribution of portfolios amongst them, and obtain its confidence. At the time of presenting his Government, the new Prime Minister will announce its basic guidelines, which will constitute the new Government's work plan. After the Knesset will express its confidence in the new Government, the Prime Minister and his Ministers will declare their allegiance before the Knesset. During its service, all the members of the Government will be collectively responsible for the activities of all the Ministers, and for the Government as a whole.

Most of the Ministers are responsible for one or more Government Ministries, but can also serve as a Minister without Portfolio. Ministers do not have to be Knesset members, while Deputy Ministers-and there can be more than one Deputy Minister in each Ministry-must be members. The addition of new Ministers to the Government in the course of its term of office, or a change in the distribution of functions among them, requires the Knesset's approval.

It is the Government which determines its own working arrangements and the manner in which it adopts decisions. It usually meets for one weekly meeting on Sundays, though in urgent cases additional meetings may be called. The Government may also act by means of standing or occasional Ministerial Committees, some of whose decisions require the approval of the Government as a whole.

A Government which has resigned or has been brought down by a vote of no-confidence, continues to serve until a new Government is formed, and is then called a transitional Government.

The number of Ministries maintained by the Government varies from time to time according to the needs and to coalition constraints.

The 32nd Government of the State of Israel, which was formed in March 2009, is made up of the following Ministries:

Agriculture and Rural Development | Communications | Construction and Housing | Culture and Sports | Defense

Diaspora Affairs | Education | Energy and Water Resources | Environment | Finance | Foreign Affairs | Health  
Immigrant Absorption | Industry and Trade | Justice | Prime Minister's Office | Public Security | Religious Services | Science  
Social Affairs and Social Services | Strategic Affairs | The Interior | Tourism | Transport  
The Presidency

The President of the State is elected by the Knesset in a secret vote, and primarily fulfills ceremonial functions as head of State.

Candidates for the presidency are customarily proposed by the large parties, and are usually well-known public figures. The President is appointed for a period of five years, which can be extended by a further five years.

The functions of the President are defined in the Basic Law: The President of the State. In addition, the President assumes public functions and activities in accordance with the customs which have crystallized on the issue, and with his personal inclinations. Amongst the President's formal functions are signing laws (even though he has no control over their content) opening the first meeting of the first session of a new Knesset, receiving the credentials of new ambassadors of foreign states, approving the appointment of civil and religious judges, the State Comptroller and the Governor of the Bank of Israel, pardoning prisoners or commuting their sentences, etc. In the past it was also the President who decided who to approach after general elections with the task of trying to form a new Government, but this function will cease to exist as of the elections to the 14th Knesset, when the Prime Minister will be directly elected.

## Local Government

### Structure of Local Government

The law defines three types of local authorities: municipalities, local councils and regional councils. Municipalities administer urban towns, generally with a population of more than 20,000. In 1995, the number of such municipalities totaled 51. The three largest cities are Jerusalem, the capital (population 579,000), Tel Aviv (population 355,000) and Haifa (population 247,000). There are nine medium-sized municipalities of 110,000 to 160,000 residents, while most municipalities have a population of about 20,000 to 80,000.

Smaller urban towns and large rural settlements are governed by local councils, with powers similar to those of a municipality. More than 70 out of 150 local councils serve a population of more than 5,000.

The regional councils are in fact two-tier local authorities. The lower tier is the settlements, which are mostly agricultural; they are authorized to elect a local committee for providing municipal services. The upper tier is the regional council, which includes candidates from each settlement in the council's jurisdiction. It possesses the powers of a local council.

Municipal federations of adjacent local authorities are a single-purpose local authority, providing certain services such as firefighting, working together mainly because of economies of scale. The federation has a separate budgetary framework and may sign contracts, legislate bylaws, levy taxes and so forth.

### Functions

The local authority provides its residents, commercial firms, and other institutions within its area of jurisdiction with a wide range of services. It develops its physical infrastructure, road system, water supply, refuse collection and disposal system, sewage system, and parks. It is responsible for environmental protection (public health, nuisances, cleanliness, etc.) and, with the Ministry of Education, Culture and Sport, the education system. The local authority builds schools and provides for their equipment and maintenance. Pre-kindergartens and secondary education institutions are established and administered by the local authority, but some of these facilities may be owned by nonprofit organizations with aid given by the local authority. Local authorities also promote and financially assist cultural and sports activities (libraries, museums, youth clubs, etc.) and some maintain orchestras, choirs, theaters and similar enterprises.

The local authority provides social welfare services, with its social workers taking care of families in need, as well as special groups such as the elderly, retarded children, drug addicts and the like.

The local council has an important role in town planning. The Planning and Building Law, 5725-1965, sets forth the principles according to which town planning is undertaken, as well as planning institutions that must act at the local, district, and countrywide geographic and administrative levels. The law grants the local planning commission considerable independence, while also expanding the regional and countrywide dimensions in planning. The local planning commission consists of members of the local council. The law gives the local planning commission responsibility for day-to-day management and on-site compliance with regulations.

The district planning commission is a joint state-local authority comprising representatives of those government ministries whose field of action is relevant to the issues of planning, and of representatives of the local authorities in the region. The district commission approves detailed local plans and also acts as a forum for handling appeals of decisions made

by local commissions. The local council is authorized to issue bylaws in every area in which it has jurisdiction. It has the power to enforce those bylaws as well as the laws and regulations applicable to its functions.

The local authorities are empowered to levy local taxes and imposts and collect various payments for services and concessions. In general, they have the powers and means to manage their finances. They prepare their own budgets, which then must be approved by the Ministry of the Interior. Each municipality must employ an auditor to check its activities.

The Union of Local Authorities is a voluntary organization of municipalities and local councils. The regional councils are organized separately in the Organization of Regional Councils, since they have special problems which differ from other local authorities. Both organizations have a central goal, to further the mutual interests of the local authorities in their relations with government ministries and the Knesset (parliament). The Union represents the local authorities in negotiations for collective wage agreements and it signs such agreements together with the Histadrut (New General Federation of Labor) and the government. It also hosts various associations of key local officials such as the Association of Town Clerks and the Association of Local Treasurers.

#### Legal Status

The Municipal Corporations Ordinance dates from 1934 when Great Britain held the League of Nations Mandate for Palestine. This law essentially established the legal basis for the present system of local government in Israel. The State of Israel enacted the Municipal Corporations Ordinance (new version) 5724-1964, which serves, along with other legal frameworks, as the basis for local government structure and its relations with government ministries.

The local authorities are legal entities and are able to perform a wide range of services in the physical, educational-cultural and social welfare arenas. Their competencies and areas of jurisdiction are spelled out by ministerial orders (mainly from the Ministry of the Interior), as authorized by law. As a legal entity, the local authority can only do what the law permits it to do. Consequently, there are detailed laws regulating the activities of the local authority.

The general powers of the local authorities are in six basic areas: legislation; taxation; financial management; joint activities with other bodies; and various general powers. While not completely independent in any of these areas, a local authority is able to act on behalf of local interests within each of them according to the wishes of the elected representatives of the local constituency.

## Income Sources

The income in the ordinary budget of local authorities comes from three sources: locally-generated income, government participation and loans for balancing the ordinary budget. From the early 1970s to the mid-1980s, locally-generated income was low and government participation was high; from then on the proportions were reversed.

Government financial participation includes two categories: the general grant and earmarked participation. The general grant is provided to the local authorities without being tied to any specific expenditure, since it is meant to be a supplement to local taxes for those authorities with a low collection potential.

Most of the earmarked income originates in the Ministry of Education, Culture and Sport and the Ministry of Labor and Social Welfare. The former covers the salaries of some educational personnel, as well as full or partial coverage of other projects operated by the local authority. The Ministry of Labor and Social Welfare finances 75 percent or more of local authority welfare activities according to standards set by the Ministry. As most local authorities exceed these standards, actual government participation amounts to 60-66 percent of local welfare expenditures.

Government ministries provide grants and loans to finance development projects such as educational and cultural facilities, roads, water and sewage systems, as well as general development grants for projects selected by local preference. Occasionally loans have been granted to balance the authorities' regular budgets and reduce deficits.

The State Commission on Local Government, which was appointed by a decision of the central government, presented its final report in 1981. Its main recommendations related to new financial relations with the central government and to the minimizing of central supervision over local authorities. Thus, in the 1980s and 1990s, some additional functions and responsibilities were given to local government in physical, social and educational arenas. Studies show that local authorities generally succeed in fulfilling their duties and in completing projects which they initiate, even though many approvals are involved in the process. The influence of the local authority is relatively wide in many areas, even when the central government controls the purse strings or other factors.

## Relations with Government Ministries

State services, principally in the areas of education and welfare, comprise more than half the local budget and an even higher proportion of the personnel employed by local authorities. They constitute the major arena of interaction between local and state authorities.

For the most part, the Ministry of Education is responsible for the curriculum and the professional qualifications of teachers, while the local authority is responsible for the provision and maintenance of school buildings and physical equipment. Employees in the elementary and intermediate schools are employees of the Ministry of Education, while maintenance personnel, school secretaries, assistant kindergarten teachers and secondary school teachers are employed by the local authority.

Formally, the Ministry of Labor and Social Welfare is the authority which sets policy regarding welfare services and the local authority acts as the agent to execute that policy. However, the professional staff (the social workers) and services are managed by the local welfare bureau. Over the years, the local authorities have developed projects and services beyond the formal requirements set by the Ministry of Labor and Social Welfare.

The Ministry of the Interior supervises the activities of the local authorities and is primarily responsible in the following areas: the establishment of local authorities, approval of their budgets, provision of a suitable legal framework to fit their needs, examination of their bylaws, and assurance that physical planning and development projects conform to national and regional outline schemes. The Ministry distributes grants based upon specific criteria to local authorities with low potential income, to enable them to meet minimal service standards. The Ministry of the Interior also represents the local authorities in negotiations with the government (namely, the Finance Ministry).

### Local Elections

The local authorities are headed by councils whose members are elected every five years on the basis of the proportional representation of their political parties. The number of seats in the councils is determined by the size of their population; between 9 and 31 seats for municipalities and between 5 and 21 for local councils. Mayors (including the chairpersons of local and regional councils) are elected directly by the voters. In many cases no single party controls the majority of seats on the councils and the mayor has to form a coalition to achieve a working majority. Agreements are made among the parties for this purpose, involving the distribution of powers and functions among the coalition partners.

When elections for the Knesset and the local authorities have been held at the same time, voter turnout in the local elections was between 73 and 83 percent, while in the case of separate election dates, turnout has averaged around 60 percent. Voter turnout for local elections in the Arab sector has traditionally been much higher than that in the Jewish sector.

According to the local election financing law, each party list in the local authority is entitled to receive financing based on the number of council seats it wins. The State Comptroller's positive report on the financial management of the election campaign for each faction

represented on the council entitles the faction to receive its allocation as determined by the formula.

## The Judiciary

The courts deal with cases of persons charged with a breach of the law. Charges are brought up by citizens against other citizens, by the state against citizens, and even by citizens against the state.

The sessions of the courts of law are usually public, unless it is decided to hold closed hearings under special circumstances. When more than one judge is presiding, and the judges do not agree on a verdict, the opinion of the majority is decisive. Israel does not have trials by jury.

The cases brought to the courts are of two types: criminal cases and civil cases. A criminal case is one involving a transgression of the social order, and its intention is to punish the offender, if his guilt has been proven. In a civil case the plaintiff is a private person or association and the defendant is a private person or association. The subject of the trial is the demand that a contract signed between the parties be fulfilled, a debt is returned or compensation is paid for damages caused. In a civil trial there is no punishment, but a duty to pay financial or other compensation.

There are three instances in the regular courts: magistrate courts, which have the authority to try light and intermediate offences, or civil cases in which the sum claimed is no higher than a million shekels (approximately U.S. \$300,000); district courts, which try serious offenses, and civil cases in which the sum claimed is more than a million shekels (approximately U.S. \$300,000); and the Supreme Court, which sits in Jerusalem. The number of judges serving on the Supreme Court is determined by the Knesset. The judges elect a permanent President of the Supreme Court and a deputy from amongst themselves.

The Supreme Court is involved in two realms: The first is to hear appeals for verdicts given by district courts. In this capacity it is called the Supreme Court of Appeals. The verdict of the Supreme Court of Appeals is final. The second is to hear appeals by persons who feel that they have been wronged by one of the State authorities or statutory bodies. In this capacity the court is called the High Court of Justice. The High Court of Justice functions by means of orders.

In addition to the ordinary courts there are special courts, which are authorized to deal with specific matters only. The most important amongst these are the military courts, the labor courts, and the religious courts. There are religious courts of the four main religious denominations: Jewish, Muslim, Christian and Druze. Each religious court can only try cases

applying to members of its own religious community who are citizens of the State or permanent residents. Since matters of personal status in Israel are usually decided on the basis of religious laws, the religious courts deal with them.

### State Control

The function of the State control is to supervise the ministries and other government institutions, the security forces, the local authorities, and any other body which is financed by the state and is subject to control under the law, a decision by the Knesset or agreement with the Government. The State Comptroller is appointed by the President of the State, on the basis of the recommendation of the Knesset House Committee. The Comptroller is elected by the Knesset for a period of five years, and their status is not dependent on the executive branch.

In the process of control, the Comptroller examines the legality of activities performed by the supervised bodies on matters of money or property, and on their frugality, efficiency and integrity. The supervised bodies must provide the Comptroller with all the information about their activities and with documents as demanded by him or her.

The faults found in the course of the inspection are brought by the Comptroller to the attention of those supervised, and they are required to put them right. Once a year the State Comptroller prepares a report on his or her activities. The State Comptroller's report is prepared for the Knesset, where it is discussed in the Knesset State Control Committee, and is then brought to the Knesset plenary for the approval of the Committee's conclusions and proposals. The report is published and brought to the public's attention.

The State Comptroller also serves as a Public Ombudsman, to whom private persons who have been personally hurt by one of the State authorities, can complain in writing or orally. The treatment of such complaints, as well as publication of the activities of the Public Ombudsman, are similar to that of the State Comptroller's report.

### Freedom of the Press

The institutions of government in Israel are subject to public scrutiny by the written and electronic media. Public scrutiny is one of the marks and foundations of a democracy, and in Israel it is secured in the principle of freedom of expression which is mentioned in the Declaration of Independence, and is currently being secured in a basic law.

Since the establishment of the State, the written press has not been government owned, but until recently the electronic media was fully controlled by the Government. Today there are private radio and television networks side by side with the national ones.