

The Balance of Israel's National Security

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Regime and Administration

Executive Summary

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This document includes the findings and conclusions of the taskforce. It is a draft for discussion purposes and reflects the opinions of the taskforce members only.

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Preface

The fact that the State of Israel has developed a democratic regime - despite the lack of national tradition, public disagreement regarding the basic nature of the state and the security circumstances which exist since its foundation - is a remarkable achievement. Nevertheless, the State of Israel faces today far reaching decisions, in areas of domestic policies and foreign relations and in regard to its very nature as a democratic Jewish state and as the State of the Jewish people. These decisions call for a high level of purposeful and efficient functioning of government in order for it to serve the citizens. However, a professional look at the functioning government in Israel and the opinions of many of its senior officials over the years both bring one to an undisputable conclusion that the patterns of government - without regard to the party in power - are not commensurate with the needs of the State of Israel. In fact, all seem to agree that the dissonance between the dangers and opportunities which Israel is expected to face in the future on one hand, and the functionability and ability of the government to plan for the future is growing and this poses a real threat to the future of the State of Israel.

The conclusion of the group - which many theoretical political scientists and politicians share - is, therefore, that the State of Israel is in need of a true overall of patterns of government, within the framework, of course, of the values and principles of Democracy.

We would like to add and to emphasize that reforms which are meant to improve government are different, in essence, to constitutional issues, which deal

with the very nature of the State, even there is an unavoidable link between the two. The following recommendations focus on enhancement of those governmental skills, which are critical for shaping the future of the State of Israel as a Democratic Jewish State, for preventing her decline and for guaranteeing her prosperity. Other teams, on the other hand formulated other recommendations, which deal with political principles on the one hand, and improvement of the administration and the public service.

Different viewpoints regarding the nature and the content of the most suitable reforms for the circumstances and needs of the State of Israel are legitimate. This is not a subject which lends it self to scientifically proven conclusions. Nevertheless, the team believes that the conclusions formulated in this document are justified by the best scientific and professional knowledge and Israeli and international experience. These conclusions focus on six areas, which appear to be of utmost importance for guaranteeing the ability to govern which is necessary for Israel.

The principle recommendations are interconnected. The team believes that the recommendations should be implemented all together in the framework of an integrated comprehensive reform, except in specific cases, which are indicated, as otherwise, the objectives will not be achieved and there will be a great risk of mistakes, as in previous reform attempts. The recommendations are submitted in form of principles, which call for detailing and processing: a public debate regarding the principles, their acceptance, creation of forums to work them out, ratification of the reform and its implementation.

1. Presidential Regime

- a. The team recommends changing the form of government to a presidential regime, through direct election of the President of the State who will serve as the Head of the Executive Branch and the head of State. The President will be elected by a majority of the valid votes and if necessary a second round will be held to decide between two leading candidates.
- b. Presentation of a candidate for President calls for support of at least twelve Members of Knesset.
- c. The President will be elected every five years in elections, which will be separate from the elections to the Knesset.
- d. The President will form a cabinet according to his discretion and will have the authority to appoint and dismiss minister without need for Knesset approval. With a two-thirds vote of its members, the Knesset will have the authority to reject the Presidential nominee for Minister.
- e. If a majority of two thirds of Knesset members vote non-confidence in the President, new elections will be held for both President and Knesset.
- f. The President may dissolve the Knesset once in his term of office without having to stand for election himself.
- g. If the Knesset dissolves itself by legislation, this will not have an effect on the Presidential term of office.
- h. A President will not be permitted to serve more than two consecutive terms of office.
- i. The President will have veto power over Knesset legislation. The Knesset will have the authority to overrule the Presidential veto with a two-thirds majority.

- j. The Knesset will have the authority to depose the President through a special impeachment process for commitment of a crime, which brings disgrace.

2. The Structure of the Government

- a. It is recommended to change the structure of the government through transfer of all government functions to those bodies, which may best perform them (according to the principle of subsidiary bodies, as in the European Union).
- b. It is recommended to transfer all functions, authorities and resources, as needed, to local government bodies and to the civil society.
- c. It is recommended to transfer relevant government functions to market forces, as much as possible.
- d. The central government will determine unified standards and will strictly control and oversee the activities of various bodies, which perform governmental functions.
- e. The central government will have the right to expropriate authority and to intervene in the activities of market bodies, local government and the civil society when it is deemed necessary for preventing the preference of local, sectorial and business interests over the public good. This authority will be defined in the principles, which will be legislated, and in by-laws and will be subject to judicial oversight.
- f. Changes in the distribution of work between the central government and the other government and social bodies should be done along with the reform of the structure of the central government: Change of the functions of the Office of the President, as indicated below, re-organization of the government ministries in a manner which will minimize the number of ministries, development of a professional senior

civil service staff, and reforms in the government administration and the public service as set forth in the recommendations of another team.

3. The Office of the President

- a. It is recommended to reorganize the Prime Minister's Office as an Office of the President in order for it to fulfill three main functions:
 1. To serve as the "Central Processing Unit" of the government.
- b. 2. To direct and coordinate the activities of the ministries and to maintain oversight.
- c. 3. To manage a small number of trans-ministerial "national projects" of
 1. superior national importance.
- d. A vital step in the direction of this recommendation is the transfer of the Budget division to the Office of the President, where it will focus its work on the main items of the budget and leave the details to the ministries, implementing budgeting procedures which integrate long range planning and availability of resources.
- e. Another vital step is the development of real staff work in the Office of the President, including especially the following:
 1. Legislating the status, functions and structure of a "National Security Staff" (Instead of the misnomer "National Security Council")
 2. Formation and formalization in law of a similar staff for domestic policy, which will deal in issues of economy, welfare, infrastructure, education, science and technology, etc.

4. The two staffs will be integrated in a "Policy Planning Staff" headed by
5. a Chief of Staff.
6. 4. These will be compact professional bodies, which will focus on a strategic long-range overview and will support the government in current decision-making and in crisis management.
7. The staffs will be responsible to the President.
8. As necessary, a small number of "Project Administrations" may be formed in the Office of the President.

7. The recommendations regarding the Office of the President are urgently relevant as well to the Office of the Prime Minister, in case the recommendation for a presidential regime is not immediately implemented.

4. The Knesset Election System

- a. It is recommended to raise the percentage needed to be elected to Knesset to 5 percent of the valid votes.
- b. One quarter of the members of Knesset will be elected in their constituencies. The representative from a constituency will be the candidate who received the largest number of votes, on condition that he received at least one third of the valid votes. If no candidate wins one third of the votes, a secondary election will be held between the two candidates who won the largest number of votes. The remainder of the members of Knesset will be elected according to the present system.

- c. The proposed changes in the Knesset electoral system are necessary for good functioning of the proposed Presidential system. It is proposed to implement them even if the change to a presidential regime takes time.

5. The Structure and Function of the Legislative Branch

- a. The Knesset will add to its functions discussion of policy documents, which will be submitted by the President and will detail the main elements of the policies of the various government Ministries. One third of the members of Knesset will be authorized to demand that the President submit policy papers and work plans within half a year. It is recommended to implement this proposal even if the Presidential regime is not implemented immediately.
- b. The President will submit a budget law, which will include a three-year
- c. framework with details of an annual budget and the program for its
- d. implementation. Accordingly, the Knesset will authorize the national
- e. budget as a regular law in a regular vote.
- f. The budget law will be subject to Presidential Veto as indicated above.
- g. If the budget is not authorized in time, the government will act as follows:
 - 1. If the budget law was not passed before the beginning of the fiscal year, the government may spend each month a sum equal to one twelfth of the annual budget of the previous year plus linkage to the cost of living index as published by the Central Bureau of Statistics.

2. Sums as mentioned above will be first and foremost expended on covering the State's obligations according to the Law of Contracts and Conventions. The remainder will be used for vital services and activities, which were covered in the previous budget.

6. Advisor to represent the Jewish people

- a. It is recommended to form a body to represent the Jewish people, which will submit recommendations to the President and the Knesset in matters of importance for the future of the State of Israel as the State of the Jewish People and for the future of the Jewish People.
- b. The Jewish Agency will form and operate a council for consultation, coordinated with the President and the Chairman of the Knesset.
- c. The relationship between the State of Israel and the Jewish Agency will be changed accordingly.
- d. It is recommended to implement this proposal even if the Presidential regime is not implemented immediately.

8. Equal Rights

The State of Israel will enforce equal rights for all its citizens and will protect the rights of minorities.

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