

Remedy or reform?

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Anyone attending last month's meeting in Tel Aviv of the President's National Commission for the Examination of the Structure of the Government and the Electoral System in Israel could not help detect a strong undercurrent - albeit civilized - of discord.

Indeed, Israel's electoral system has been the subject of much debate since the establishment of the state. Some of the participants in the conference said that even David Ben-Gurion had been unhappy with it.

Since those days, the academic, legal and political experts have grappled with the question of what kind of governance is best suited to the Jewish state - and which system of elections best reflects the will of the people.

And while there have been changes here and there - including most recently the rescinding of the decision to hold direct elections for the prime minister - no formula has been found or implemented to make politicians directly responsible to the sectors of the public who put them in office.

In his address to the opening session of the 16th Knesset in February 2003, President Moshe Katsav declared that in view of the situation in the country, there was an urgent need to form a national public commission, made up of public figures and experts, to discuss and recommend necessary changes in the structure of government and the electoral system.

Two years later, Katsav established the national commission, headed by Hebrew University President Menahem Megidor and Tel Aviv University President Itamar Rabinovich.

Each of the commission's 70-plus members was personally appointed by Katsav, and assigned the task of examining every alternative to the current system.

The commission hopes to complete its deliberations and finalize its proposals by the end of the summer. The proposals will then be presented to Katsav, who will present them to the Knesset and the Cabinet.

The commission was spearheaded by the Citizens' Empowerment Center in Israel (CECI) - established in 2003 - which carries out most of the commission's research and administration.

CECI, whose stated mission is to "support the building of an Israeli society acutely aware of its civic and sovereign duties, conscious of its democratic rights and obligations, cognizant of the power of the vote and capable of impacting priorities and policies at the national, regional and community level," is largely funded by its founder, Los Angeles-based tycoon Isaac Parviz Nazarian.

Like Katsav, Nazarian was born in Iran - or Persia as it was then - and came to Israel at a young age. He later emigrated to the United States.

KNESSET LAW and Constitution Committee Chairman Likud MK Michael Eitan conducted the opening session of the commission. As he invited former government minister and MK Gad Yaacobi to the podium, he recalled that some time in the 1960s, he had attended a meeting on electoral reform chaired by Yaacobi.

"I would love to be able to say that this [commission] is a political breakthrough," Yaacobi commented, "but we've been dealing with [the issue of electoral reform] for 40 years..."

"Israel is the only country in the democratic world whose parliament is voted for via a national election system," he said.

Although a survey conducted on behalf of the commission by Magar Mohot showed that 53 percent of the public favors reform, this has not found an echo in the Knesset. Numerous initiatives by individual MKs never got past a first reading due to vested interests, Yaacobi asserted, claiming that the only way to advance electoral reform would be through enacting legislation for a public referendum.

As did several of the participants, Yaacobi bemoaned the lack of connection between the voter and his so-called representative in parliament. "This is why the public has no confidence in members of Knesset."

To remedy the situation, Yaacobi advocated a system in which there would be both regional and national representatives, with regional ones being in the majority, to guarantee that minorities and special interest groups would be properly represented.

POINTS OF contention among members of the commission centered around whether Israel should have a presidential or a parliamentary system, and whether reforms would be beneficial or detrimental. Some speakers suggested that it would be better to identify and correct existing flaws than to introduce major changes.

Former MK Naomi Chazan argued in favor of the parliamentary system. Uriel Lynn, another former MK, expressed his support for a presidential system.

Ariel Mayor and former MK Ron Nachman also supported the idea of a presidential system, as opposed to what he called "a centralist Bolshevik government."

He also lambasted a system that lends itself to top-heaviness. "Why do we need 26 ministers, when a country the size of America has 15?" he challenged.

Nachman, a victim of the law forbidding heads of local authorities to occupy positions in the national government, declared derisively: "A mayor can't be a minister, but if you're a minister you can have as many portfolios as you like."

He then cited the long list of portfolios apportioned to Acting Prime Minister Ehud Olmert.

Tel Aviv University law professor Zeev Segal observed wryly, "Every nation gets the government it deserves - but in Israel the punishment is too severe."

Segal and others pointed out that change should be implemented only when there is full awareness of the consequences. "We had direct elections without designating the authority of the prime minister," he said, adding that he would be willing to support a presidential system, but not before seeing a paradigm of what it would be. He suggested that elections be held in two rounds so as to give greater legitimacy to the final outcome.

According to TAU political science professor Gideon Doron, who supports a presidential system, "The status quo is no longer a viable option."

Doron warned that Israel's democracy was in danger of collapse, with too many undemocratic measures implemented - simply because the public agrees with the goals they are meant to achieve.

Doron also expressed concern over the political culture that has developed, whereby politicians who don't get their own way by playing according to the rules, start another game.

Visiting Duke University professor Don Horowitz cautioned against potential pitfalls of changing the Israeli system by emulating that of other democracies, without taking Israel's particular situation into account.

"It's best not to scratch where it doesn't itch," he advised.

LESS PESSIMISTIC than other commission members, Katsav hailed Israeli democracy, saying that despite war, socioeconomic crises, terror, and large waves of immigration from Islamic and Communist countries, it has triumphed. What can do it damage, he warned, is unrelenting public criticism of the government and the judiciary, as well as conflict between the legislative and judicial branches. Ongoing criticism has a negative impact on stability, he said, leading to frequent changes of government - or within the government. To illustrate, he pointed to the fact that in six years, Israel has had six foreign ministers.

"Under these circumstances how can we possibly form foreign policies?" he posed. "How can a government formulate a strategy and a proper operating plan if faced with a situation of instability and weak coalitions in the immediate aftermath of the elections?"

An MK for nearly quarter of a century, Katsav said that he would like to see the Knesset take a more supervisory role over the work of the government.

Making a clear allusion to the composition of the Kadima party, Katsav disclosed that he had asked Supreme Court President Aharon Barak for a legal opinion with regard to an MK who stands on a certain policy platform during an election campaign and then changes his mind after he gets into the Knesset. Katsav did not reveal Barak's reply.

Likud MK and former foreign minister Silvan Shalom took the position that rather than implementing sweeping reforms, Israel should build on the existing strengths of its system of governance while dealing with its flaws. Where regional representation is concerned, he said, the country is too small to be divided into geographical constituencies.

"Is there a difference between Ramat Gan and Tel Aviv?" he asked, adding, "We have no real guarantee that minorities would be adequately represented. [Furthermore], we could end up with a whole bunch of entertainment personalities in the Knesset simply because they're popular."

Labor MK and former minister for internal affairs Ophir Paz-Pines, too, was skeptical about reform. "There are many ways to strengthen and improve Israel's democracy," he said, "but changing the electoral system would not be my first choice. Changing the rules of the game too often creates instability and brings on new elections."

"We should change the party rules before we change the electoral system," he said, referring to the lack of uniformity in the way parties select their lists internally.

Meretz-Yahad leader Yossi Beilin said that even though Shalom and Paz-Pines came from different political perspectives, he found himself agreeing with them.

"Our problem is not one of stability," he contended. "When you take into account everything that we've experienced, it's almost a miracle that democracy has survived. The real problem is that the wrong people enter politics."

Beilin suggested that the commission might be on the wrong track. "There may be no relationship between what you're looking for and the real problem," he said.

United Torah Judaism MK Moshe Gafni, too, came out against changing the electoral system. "There will still be coalitions wheeling and dealing before, during and after the elections," he said.

National Religious Party-National Union MK Zevulun Orlev, added a different take. "We must use referenda as a vehicle for making critical decisions (of national importance)," he said. "If there had been a referendum on disengagement, there would not

have been early elections. The referendum will be a salient factor towards ensuring that governments and Knessets serve full terms."

"The Knesset is strong where it should be weak and weak where it should be strong," said Eitan. "The Knesset is a nightmare for the prime minister, because other second day there's a motion of no confidence and everyone goes into a panic."

It is ridiculous a situation that the government needs Knesset approval for every little thing, Eitan went on. "The Knesset should be strong, but it should allow the executive branch to govern."

Shinui MK Eti Livni lamented the inordinate power wielded by the chairman of the Knesset Finance Committee, who can hold up approval of various payments for an indefinite period of time, until he gets whatever it is he wants for his own party. "You can't allow one person to have the power to stop the wheels of the state," she complained.

Israel Beiteinu MK Eliezer Cohen, a strong advocate of the Norwegian Law - which would ensure that no minister is an MK and that no MK is a minister - said the Cabinet must be reduced to no more than 11 ministers.

Former Labor MK and current Kadima candidate Haim Ramon pointed out that from 1995 to 2005 "there wasn't a ministry that did not switch ministers at least nine times."

The unfortunate situation, he said, is such that a prime minister spends a third of his time simply trying to survive.



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