

Environment, Administration, and Law in Israel:
Government Ministries

Part III

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The Jerusalem Institute for Israel Studies
The Center for Environmental Policy

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Abstract

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From the beginning of civilization, the public administration has been responsible for overseeing, coordinating, organizing, directing, supervising, and managing man's private and public activities. The attempt to understand how Man acts in relation to his environment, and to direct Man's activities in a way that can prevent serious environmental damage, is therefore the role of public administration — specifically the environmental administration.

Beginning in the early twentieth century, health ministries were generally responsible for environmental management. Preventing epidemics was paramount, and this demanded protection of food and water. A broader approach to environmental protection gradually evolved, especially in developed countries. This approach attached importance not only to visible and immediate public health problems, but also to public nuisances and long range health problems: preventing air and noise pollution, treating waste, protecting nature, and averting the economic damage caused by environmental pollution. In most cases, health ministries were unable to accommodate this broad approach since it went beyond their normal range of activity. This, together with widespread public pressure, led most

developed countries to restructure their public administration, and to transfer authority and manpower to one central governmental body that would be responsible for environmental protection.

During this process, health ministries retained the authority to establish regulations based on public health considerations and to follow-up on public health effects of various environmental pollutants, but the role of executing and enforcing environmental regulations was given to new government ministries.

The increased global awareness of environmental issues that followed the Stockholm Conference in 1972 was expressed, among other things, in the realm of public administration, through the establishment of new environmental ministries or government units, the concentration of environmental issues in central administrative bodies, or, as has been the trend over the past twenty years, the inclusion of articles for environmental protection in updated constitutions.

The roots of public administration in Israel, specifically environmental administration, stem from the British Mandate period. At that time, environmental issues were dealt with indirectly and at the local level. There was no central governmental body whose aim was to protect individuals from environmental and public health nuisances, and there was no demand for a central environmental administrative body. The Mandate government in Israel was comprised of external institutions, such as the Colonial Office in Britain, administrative units (such as the Secretariat and the Regional Office, the Governing Council of the High Commissioner) and various departments, which were the basic administrative unit of the British Mandate. Of the more environmentally oriented were the Department of Health, the Department of Agriculture, the Department of Fishing and Forestry, and the Mining Inspector.

After the State of Israel was established, it was difficult to fit environmental protection into the existing government apparatus because environmental protection required an innovative approach and was a multi-disciplinary, specialized, and unconventional field. Increased public awareness of environmental damage in Israel and worldwide led to the gradual development of an environmental administration. The Nature Protection Authority and the National Parks Authority were established in the 1960s, the National Committee for the Biosphere and Environmental Quality and the Environmental Protection Service were established in the 1970s, and the Ministry of Environment was established in the late 1980s. Government decisions

throughout the 1990's transferred some of the authority that was scattered throughout various government ministries to the environmental ministry. Inter-governmental organization of environmental protection also began during this period. At the beginning of the twenty-first century, the government adopted a strategic program for sustainable development in Israel. The program forms a foundation for activities supporting environmental protection.

Government Ministries

In Israel, environmental issues are scattered among many government ministries and their many units. Among other things, this study looked at the number of “environmental laws” (laws that relate to environmental issues) under the auspices of each government ministry. At least sixteen out of the twenty-two government ministries are legally authorized to handle environmental issues. About three-quarters of Israel's environmental laws involve six government ministries — Interior, Agriculture, Transportation, Health, Environment, and Infrastructure. The Ministry of Environment, which is ranked fifth in number of environmental laws under its control, is involved in less than one-tenth of Israel's environmental laws. This analysis shows that the establishment of the Ministry of Environment did not result in a real quantitative change in Israel's environmental law.

Each government ministry's specialization and expertise affects the way it relates to and handles the environmental issues that it is responsible for. Since most environmental issues are multi — faceted, the authority to deal with these issues can be assigned to a ministry that considers environmental protection paramount — such as the Ministry of Environment — or it can be assigned to a ministry that handles other facets of the issue. If the environmental aspect were considered the most important, all the authority for these issues would be transferred to the Environmental Ministry, as has occurred in some countries. Meanwhile, it appears that only topics that are easily transferred, that do not “belong” to other ministries, or that seriously conflict with other topics under other ministries' control, have been transferred to the Ministry of Environment.

In this study, environmental laws were examined in order to characterize each government ministry's areas of responsibility. In addition, each government

ministry and its departments were “scanned” for information on environmental involvement. In order to learn about what is actually taking place “on the ground”, and in the absence of prior comprehensive documentary studies, our work examined the way government ministries handle environmental issues, based on what the government ministries themselves reported. This was accomplished by using material collected during many interviews with government workers, written material compiled by the ministries, material found on the ministries’ websites, and published material by or about the ministries.

Democratic countries, including Israel, abide by the principle of separation of power. The emphasis is on inter-relationships between government authorities, and the executive branch’s powers are based on legislation passed by the legislative branch.

In a review of Israeli legislation, 112 laws were found (and hundreds of pieces of secondary legislation) related to environmental quality, that authorize the executive branch to act. One of the striking findings of our study was that most government ministries share their authority over environmental laws with other government ministries. This is likely to increase the need for coordination between many ministries, and the need for separate cooperation plans for different laws. While some laws authorize one government ministry to act, others give different ministries authority for different articles within a law, or give different ministries overlapping authority for the same law. Most laws give authority to only one or two government ministries. However, some laws authorize up to thirteen government ministries to carry out the same law.

One third of Israel’s environmental laws “belong” to one ministry, about two-fifths authorize between two and four government ministries for each law, and about seven percent authorize between ten and thirteen government ministries for each law.

All of the environmental laws that give many government ministries authority for the same law were passed after the establishment of the State of Israel. Before the State of Israel was established, and during its early years, the laws that were passed gave authority to one or few ministries for each law. In the mid-1960s a few laws that gave authority to several government ministries were passed, but this trend was most prominent towards the end of the 1990s.

Another interesting finding is that while many laws give authority to more than one ministry, there is no obvious trend of particular ministries being “paired up” to share authority.

One of the expected outcomes of having many different government ministries with authority over environmental laws is an increase in environmental departments, scattered among many government ministries. This study describes this outcome, and includes an extensive description of the environmental departments found in many of the government ministries.

This study also found that Israeli legislation and international treaties ratified by Israel deal with the same principal environmental issues. This study examined “weighty” environmental laws, or laws that have greater potential to influence environmental quality or environmental administration and law in Israel. The findings were similar to the findings regarding all of Israel’s environmental laws: the Ministries of Agriculture, Interior, Environment and Health have authority over most of Israel’s “weighty” environmental laws.

This study examined the following parameters for each government ministry: authority over environmental laws, environmental fields in which they are active, and the administrative departments that handle environmental topics.

❖ ***Ministry of Finance:*** Of the twenty-four environmental laws under the authority of the Ministry of Finance, most involve general directives or nature and landscape protection. The Ministry does not have exclusive authority over any environmental law, and in thirty-eight percent of the laws, it shares authority with one additional ministry. All the environmental laws that involve the Ministry of Finance were passed after 1956, and most were passed between 1984-1998. The Ministry has influence over environmental issues, as with all governmental activities, by way of the budget, taxation and legislation. The study examined the following administrative division’s influence over environmental issues: state revenue department, income tax department, budget department, comptroller’s office, and the international department. The Ministry of Finance also has considerable influence over legislation and regulation, since the Ministry’s representative examines the financial aspects of legislation and considers overall impacts on the economy. These include indirect costs such as those caused by environmental pollution.

- ❖ ***Ministry of Environment:*** This is the only ministry dedicated to environmental protection. The Ministry has authority over thirty-three environmental laws, which deal with a wide variety of topics, including nature and landscape protection, water quality, oceans and coastlines, toxic substances, solid waste, and air quality. Relative to other ministries with authority over many environmental laws — such as the Ministry of Transportation and the Ministry of Agriculture — the Ministry of Environment has exclusive authority over few laws. Indeed, when the Ministry of Environment was established in 1989, most of Israel’s environmental laws already existed, but half of the laws under the Ministry of Environment’s authority were passed after it was established. The Ministry of Environment shares authority over “new” environmental laws as well, and on average, five additional government ministries share its authority for each law. The profusion of ministries that share the Ministry of Environment’s authority for each law probably limits the Ministry of Environment’s capacity to act independently. The Ministry of Environment shares authority over its laws mostly with the Ministries of Interior, Health, and Agriculture.

This study reviewed, among other things, the events that led to the Ministry of Environment’s establishment, its objectives, structure, primary fields of activity, active forums, and administrative units. The administrative departments involved in environmental issues were studied, analyzed and described in detail.

Although the Ministry’s budget has grown by a factor of six since its establishment, the budget still makes up only about 0.1% of the total government budget, and is much lower than the allotment awarded to most ministries. The Ministry of Environment’s budget has been relatively unstable, in comparison to the total government budget. This instability probably interferes with long term planning. The Ministry’s budget was cut in 2001, and continues to drop, absolutely and in relation to the total government budget. This finding stands in contrast to the increase in public support for environmental protection and the growing recognition of its importance. Apparently, these considerations were overlooked when the government allocated funds for the Ministry of Environment.

- ❖ ***Ministry of Internal Security:*** The Ministry is involved in environmental issues through its department of legal council, but mostly through its operating branch — the police. The study examined the Environmental Police’s activities.

- ❖ ***Ministry of Construction and Housing:*** This Ministry has authority over 13 environmental laws, most of which deal with general directives or with nature and landscape protection. For most of these laws, the Ministry's authority is partial or limited. The following administrative units, which are involved in environmental issues, were examined: programs department; department of urban planning and construction; and rural construction administration.
- ❖ ***Ministry of Religious Affairs:*** Before its authorities were transferred to other government ministries, the Ministry of Religious Affairs had authority over ten environmental laws. With the exception of the Protection of Holy Sites Law, the Ministry did not have responsibility for broad sections of these laws or for "heavy" environmental topics. Most of the Ministry's connection with environmental topics deals with protection of holy sites.
- ❖ ***Ministry of Health:*** The Ministry of Health has authority over thirty-five environmental laws concerning general directives, nature and landscape protection, air quality, oceans and coastlines, and toxic substances. These laws were passed between 1927-1999. Although the Ministry of Health is among the ministries with authority over most environmental laws, it is also among the Ministries with exclusive authority over the fewest environmental laws. Between one and twelve additional ministries shares authority with the Ministry of Health for each law. The Ministry of Health is responsible for "environmental health," which includes areas of human health that are affected by physical, chemical, and biological agents in the environment. The major environmental topics that the Ministry of Health is responsible for are drinking water quality, food quality, water quality in rivers at recreation areas, wastewater treatment, quality of recycled wastewater used for agriculture, and toxic waste from hospitals. The study examined the following Ministry of Health administrative units, which are involved in environmental issues: department of public health services; department of environmental health; national food service; public health laboratories; worker health service; department of epidemiology; national center for disease control; national cancer registry; office of the head scientist; licensing and supervision over radiation instruments unit; and the entomology laboratory.
- ❖ ***Ministry of Foreign Affairs:*** The ministry is responsible for promoting environmental issues, primarily by signing two-party or multi-party agreements.

The study examined the following administrative units, which are involved in environmental issues: department of peace and the Middle East; department of international organizations; department of Asia and the Ukraine; and the department of international treatments.

- ❖ ***Ministry of Education:*** The Ministry of Education has shared authority over nineteen environmental laws, all of which were passed after 1950. The study examined the following administrative units, which are involved in environmental issues: department of pre-school and elementary school education; department of secondary school education; the pedagogic secretariat; youth and society administration; administration of rural education; information center; department of tours; and the planning, supervision and man-power administration. This study describes the ways in which environmental science and environmental education have been incorporated into the education system.
- ❖ ***Ministry of Agriculture and Rural Development:*** This Ministry has authority over forty-eight environmental laws, making it second on the list of government ministries with authority over most environmental laws. Of these laws, forty percent involve nature and landscape protection. The Ministry has exclusive authority over twenty-three percent of the laws in its jurisdiction. The Ministry shares authority over environmental laws mostly with the Ministry of Interior. Since 1926, each decade has brought the Ministry more laws, with a recent increase.

This study describes the Ministry's environmental activities, and the ways it cooperates with other ministries. The study examined the following administrative units, which are involved in environmental issues : planning authority; forestry unit; veterinary services and cattle health; plant protection services; aquaculture and fisheries unit; department of ocean agriculture; ocean fishing unit; department of drainage and soil protection; department of engineering and drainage; department of land preservation; open land unit; department of grazing; department of land purpose mapping and remote sensing; plant consolidation unit; station for run-off research; training service; plant protection service; and the department of foreign relations.

- ❖ ***Ministry of Science, Culture and Sport:*** The Ministry's activities in the field of environmental protection are primarily within a research framework,

sometimes in cooperation with organizations from foreign countries. The study examined the following administrative units, which are involved in environmental issues: the “garden bank” and the information center for groundwater salinization.

- ❖ ***Ministry of Labor and Welfare:*** the Ministry has authority over fifteen environmental laws, most of which involve general directives. The other laws involve air quality, toxic substances, and nature and landscape protection. The Ministry of Labor and Welfare doesn't have exclusive authority over any environmental laws. The study examined the following administrative units, which are involved in environmental issues: supervision over worker safety unit, occupational safety unit, preventive action unit, and research on health and safety in the workplace unit.
- ❖ ***Ministry of Justice:*** The study examined the following administrative units, which are involved in environmental issues: legal advisor to the government; department of legal council; department of legislation; international treaties and international claims unit; land taxation unit; general custodian; documentation department; and the institute for advanced study for lawyers and legal consultants.
- ❖ ***Ministry of Interior:*** Government decisions, accompanied by parliamentary approval, determined that “all of the Ministry of Interior's activity related to environmental protection will be transferred to the Ministry of Environment.” However, the Ministry of Interior still has authority over fifty-two environmental laws, more than any other ministry. The Ministry of Interior has exclusive authority over only ten percent of these laws.

Since 1988, the Ministry of Interior's authority over environmental issues has grown and over twenty laws have been passed that give the Ministry additional authority over environmental issues. The Ministry has responsibilities for the following environmental topics: water quality, toxic substances, toxic waste, pesticides, and nature and landscape protection. The study examined the following administrative units, which are involved in environmental issues: the planning administration; national council for planning and construction; the committee for ocean water; committee for agricultural land and open land protection; national unit for construction supervision; local authority

administration; local authorities auditing unit; water economy in local authorities administration; licensing authority; emergency services and special services; center for business licensing; licensing and supervision department; and licensing security factories unit.

- ❖ ***Ministry of Absorption:*** The Ministry deals indirectly with environmental issues. Within the framework of immigrant absorption, the Ministry supports immigrant groups that are involved with environmental issues, and research centers established by immigrant scientists.
- ❖ ***Prime Minister's Office:*** Although the Prime Minister's Office has authority over only one environmental law, many of its administrative units deal with environmental issues. These include: planning and development department; national and internal review department; the atomic energy commission; nuclear engineering department; safety and licensing department, external relations unit; the advising council on nuclear safety; the center for nuclear research at Nahal Soreq; the Minister of Jerusalem Affairs; and the bureau of government publications.
- ❖ ***Ministry of Regional Cooperation:*** Before it was dispersed among other government ministries, the Ministry of Regional Cooperation, together with the academic community and the private sector, participated in various projects and studies, most of which dealt with environmental issues. The office didn't employ professionals in the field of environmental studies, but utilized Ministry of Environment employees. The Ministry also functioned as an "environmental liaison" with neighboring countries.
- ❖ ***Ministry of Transportation:*** This Ministry has authority over thirty-seven environmental laws, most of which involve general directives, nature and landscape protection, oceans and coastlines, air quality, toxic substances, noise, and water quality. The Ministry has exclusive authority over more than twenty percent of its thirty-seven laws. The administrative units that deal with environmental issues include: air transportation, the airport authority, land transportation, the land administration, the cars unit, sea transportation and the shipping and ports administration.
- ❖ ***Ministry of Tourism:*** The Ministry of Tourism has authority over eleven environmental laws, all of which were passed after 1963. In each of these

laws, the Ministry shares authority with at least three additional government ministries, one of which is always the Ministry of Interior. The National Outline Plan #12, which was formed by the Ministry of Tourism in cooperation with the Ministry of Interior and other bodies, contains the Ministry's environmental policy. The study addressed the following issues: recreational and environmental tourism; the conflict of interest between the Ministry's commitment to sustainable development and environmental protection, on the one hand, and the advantages afforded by exploiting open lands, on the other; cooperation with other bodies; coastal planning and development; ecotourism; rehabilitation of rivers and mines; renovation of tourist areas; construction and management of environmentally friendly hotels.

- ❖ ***Ministry of Industry and Trade:*** The Ministry has authority over twenty environmental laws, most of which deal with the following topics: oceans and coastlines, toxic substances, air quality, nature and landscape protection, and solid waste. The Ministry has exclusive authority over two laws; for the remainder, it shares authority with at least two additional government ministries over each law. The first environmental law that the Ministry has authority over was passed in 1930. The administrative units that deal with environmental issues and that were reviewed in this study include: chemical and environmental administration; local development authority; and the national physics laboratory. The Ministry is involved in environmental projects and international environmental frameworks, and is responsible for declaring Israel's environmental standards.
- ❖ ***Ministry of Communications:*** The Ministry is involved in radiation protection, mostly through its electromagnetic spectrum and frequency licensing unit, in cooperation with the Ministry of Environment. The Ministry handles licensing and standardization of antennae and other radiation emitting communications equipment.
- ❖ ***Ministry of National Infrastructure:*** The Ministry has authority over nineteen environmental laws, most of which involve general directives or air quality. The Ministry has exclusive authority over two environmental laws. Most of the environmental laws over which it has authority were passed before the Ministry's establishment. The administrative units that deal with environmental issues and that were reviewed in this study include: electricity administration;

gas and oil administration; natural gas administration; soil sciences administration; water and sewage administration; policy and planning administration; office of the head scientist; energy research and development unit; sewage infrastructure management unit; mines and quarries unit; sewage infrastructure development unit; and the environmental unit.

- ❖ ***Water Commissioner:*** Although the Minister of National Infrastructure is responsible for the Commissioner's activities, the Commissioner is not subordinate to any government ministry. The Commissioner has partial authority over nine environmental laws. The study describes the ways the Commissioner cooperates with, or is dependent on, other government ministries with authority over Israel's water laws; the Commissioner's responsibility for preserving water resource quality; its guiding principles; and the way it relates to environmental considerations. The administrative units that deal with environmental issues and that were reviewed in this study include: hydrological service unit, hydrometry department, consumption management unit, water and wastewater quality unit, and the development unit.

Conclusions

The Ministry of Environment was established to centralize and guide environmental administration in Israel. However, in contrast to the government's stated goals, the Ministry of Environment controls only a small part of the environmental agenda. The Ministry of Interior remains the government ministry that yields authority over most environmental issues. The Ministries of Agriculture and Health both have authority over more environmental laws than the Ministry of Environment.

Other government ministries continue to have considerable authority over environmental issues, and play a role in what was intended to be the Ministry of Environment's exclusive domain.

To make matters more complicated, there are many public authorities in Israel that deal with environmental issues. These public authorities work without sufficient coordination or central administration and the Ministry of Environmental lacks the authority to direct or supervise their activities.

One of the results of this multitude of government ministries and public authorities with shared responsibilities and duties is an increase in secondary units, scattered throughout the many government ministries and public authorities, that handle environmental issues. This study is the first “guide to the perplexed”, designed to help orient the reader within the complex web of administrative bodies that deal with environmental administration in Israel.

The various environmental units within Israel’s government ministries act without central direction, without any requirement to coordinate their activities, and with different objectives, determined by the agenda of the ministries within which they function. This phenomenon is even more pronounced for smaller units and sub-units. The multitude of government ministries (and public authorities, as was described in the previous volume of this study) with shared responsibilities and duties, on the one hand, and autonomous power, on the other, results in duplication, conflicts of interest, and squandered resources. For the public, the current situation creates uncertainty, frustration, and anger. Government bodies and public authorities with shared responsibilities may evade action or enforcement, on the assumption that the other responsible party will carry out these duties. Formulating new government regulations requires extensive inter-ministry coordination, which in turn leads to complications that divert the declared purpose of regulations - flexibility and speed. Since environmentalism is still in its formative stages and the individuals who get involved in the field usually do so out of a sense of purpose and dedication, it seems that it is not too late to correct what has gone awry, before the situation becomes uncontrollable.

One immediate conclusion that emerges from this study is that there is a need to examine the structure of the existing environmental administration in Israel, in order to improve Israel’s environmental administration.

Israel might learn from the example of selected countries that have excelled in environmental administration, and that are similar to Israel in size and other characteristics.

The recommended changes include simplifying the administrative structure, so that Israel’s environmental authority and administrative capacity are focused in the hands of fewer central bodies. Initial steps towards centralization were taken when the government and parliament decided to create a Ministry of Environment

and to transfer to it authority over many laws, as was described in this study. However, these steps were suspended, without any recognizable continuation.

There is a need to go back to the recommendations made by the committee that initially formulated the Ministry of Environment's infrastructure, and to reevaluate those recommendations in light of the current situation. The public administration should continue to transfer authority for environmental issues to the Ministry of Environment, as was done in the past.

Since the various ministry's legal authority derives from legislation passed over the course of many decades, and since there have been many structural, administrative, and technological changes in the Israeli government and society since then, there is an urgent need for a periodic government or administrative mechanism that will examine and update each ministry's "map" of connections and authorizations under each law.

Since it is only natural that some environmental topics become less relevant with time, there is a need to establish a mechanism by which government ministries can expunge outdated topics and take on new "hot" topics when these emerge. The recommended administrative changes must be accompanied by a budget transfer within the administration so that the government ministry charged with protecting the environment — the Ministry of Environment — will no longer be inferior relative to the rest of Israel's government ministries. At the same time, there is a need to verify where the limited resources allocated for environmental causes are being directed, so that they are not wasted on unnecessary staff.

Reports that deal with environmental administration — such as the State Comptroller's reports or research such as the current study (and the volume that preceded it) — can serve as a guide towards a worthy environmental administration for Israel.