

Environment, Administration, and Law in Israel:
The Central Administration

Part II

Environmental Administration around the World, Public Authorities in Israel,
the State Comptroller

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The Jerusalem Institute for Israel Studies
The Center for Environmental Policy

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Abstract

Environmental studies deal with the inter-relationship and balance between Man and his environment. When man radically disturbs this balance, he causes irreversible damage to nature and the environment.

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 the public administration — specifically the environmental administration.

Beginning in the early twentieth century, health ministries were generally responsible for environmental management. Gradually, responsibility for environmental issues was transferred to government ministries, public authorities and other management bodies. Environmental management was generally concentrated within one central administrative body, while the Ministry of Health maintained authority over public and environmental health issues only.

Environmental damage does not recognize geographical boundaries, although environmental problems do vary in different parts of the world. This study includes an analysis of the environmental administrations in twenty-three countries from different regions and continents. The analysis shows that there is no uniform administrative pattern. The form of environmental management varies from country to country according to many factors, including the size of the country, form of

government, unique environmental problems, level of economic development, political situation, historical background, etc. Although there is no one model, the central, environmental administrative authority is usually designed in one of three ways:

- ◆ One environmental ministry, with total authority over environmental issues.
- ◆ One environmental ministry, which also coordinates other ministries' environmental activities.
- ◆ Several ministries or administrative bodies with authority in environmental issues.

The increased global awareness of environmental problems that followed the Stockholm Conference in 1972 was expressed, among other things, in the realm of 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 countries' constitutions.

The broad global survey presented in this study serves as the introduction to a more focused review of the structure and function of Israel's environmental administration.

During its first stage, the study focused on bodies within the executive authority, and on the State Comptroller. In the future, the study will also examine Israel's legislative and judicial authorities. The analysis of the environmental administration in Israel's executive authority was based on the extent of the body's activities at the central, regional, and local level. At the central level of government, environmental administration is in the hands of public authorities, which are described here, and in the hands of many government ministries, which will be described in the next volume of the study.

Public Authorities

Israel's Central Authority deals with environmental issues through its many public authorities. It is difficult to find one common denominator that defines all the public authorities that deal with environmental issues in Israel since they are spread out both functionally and geographically. Some function by power of law, some by power of a government decision, still others on a different basis. Some deal primarily with environmental issues; for others, environmental protection is a small part of their agenda. Some authorities are small and have limited resources, while others are among Israel's most central administrative bodies, with considerable influence and / or economic power.

This study mapped and examined the public authorities that are involved in environmental protection in Israel. The study, the first of its kind, required consolidation of basis source materials, primarily materials published by the authorities themselves.

- ◆ *The Israeli National Academy of Sciences*: An entity established by law. The purpose of the academy is to cultivate and promote science and research. Within this framework, the academy is involved in environmental science, and in the applications of environmentally oriented research. The Academy cultivates experts in environmental science, supports the preservation of biodiversity and environmental collections, organizes environmental conferences and publications, supports research on sustainable development, and cooperates with the Israel Antiquities Authority.
- ◆ *Consolidated Refineries Ltd.*: The company, which imports and refines crude oil, is primarily government-owned and is under Ministry of National Infrastructure supervision. Its involvement with environmental issues is alongside its regular activities, in an attempt to minimize the factories' negative environmental impact. Each factory employs an environmental engineer, who is directly subordinate to the factory manager. Among their activities: establishment of a sulfur dioxide emission monitoring plan, use of "oil-devouring" bacteria, and maintenance of Park Afek.
- ◆ *Manufacturers Association of Israel*: The representative organization of Israel's industrialists with members from most of Israel's industrial factories, including privately owned, publicly owned, and government-owned industries.

According to a Minister of Interior decree, the association is authorized to submit its opposition to government outline plans in the Planning and Building Committee. The association has a chemistry, pharmaceutical, and environment society, whose members includes factories involved in various fields of chemistry. The committee for environmental quality manages the society's environmental activity; represents the Association before the parliament and various government ministries; and distributes information regarding environmental legislation, regulation, and initiatives to the society's members.

- ◆ *The Israeli Society for Biological Research, Inc.:* The Office of the Prime Minister is responsible for this government-owned company, which is a daughter company of the Israeli Institute of Biological Research. The company is involved in basic and applied research, and specializes in biotechnology, clinical chemistry, and environmental science. The company provides services in environmental monitoring, including gas sampling and analysis, and conducts studies and risk analyses for Israel's industrial sector.
- ◆ *The Company for Research on Oceans and Lakes:* A government-owned company that is subordinate to the Ministry of National Infrastructure. The company is involved in oceanographic and hydrologic research and development and provides related professional services. The company's primary objective is to provide a technological and scientific base for water, ocean, and coastline preservation, utilization and management in Israel. The Company's environmental activities include: environmental monitoring and research; environmental forecasting; providing environmental data and consultation; developing environmentally friendly technologies; providing training and instruction in environmental topics; assisting developing countries with environmental problems; and representing Israel in international organizations that are involved in ocean research and monitoring.
- ◆ *Israel Electric Company:* This is a government-owned company, supervised by the Ministry of National Infrastructure. The company invests in environmental research, participates in environmental projects, and has taken steps to reduce air pollution caused by sulfur dioxide emissions and by fuel combustion in its power plants. Within the framework on the company's sector for statutory planning and the environment are the unit for environmental

licensing and nuisance prevention, the environmental quality department, and the department of environmental impact assessment.

- ◆ *Environmental Services (Ramat Hovav), Inc.:* This government-owned company manages the Ramat Hovav toxic waste treatment plant. The company is subordinate to the Ministry of Environment, and is subject to the Ministry's supervision and instruction. The company treats, neutralizes and recycles toxic industrial waste; performs a variety of laboratory tests; and monitors air pollution.
- ◆ *The Government Company for Tourism:* The declared purpose of this government-owned company is developing and investing in Israeli tourism. The company is involved in infrastructure development, and in implementing the Ministry of Tourism's policies. Its environmental role is primarily in nature and national parks conservation.
- ◆ *The Central Bureau for Statistics:* The Bureau, which is under the Office of the Prime Minister's authority, provides statistical data to assist in guiding government policy. The environment, agriculture, and territory unit provides environmental data on air, water, wastewater and recycled wastewater, land-cover, and the biosphere.
- ◆ *The National Council on Drainage Issues:* An entity established by law. The Council advises the Minister of Agriculture on policy issues related to the Drainage Law. A number of legal directives obligate various statutory bodies to consult the Council.
- ◆ *The National Council for Environmental Quality:* The Council was an independent, public body that functioned until 2003, based on a government decision. The Council's primary goal was to bring environmental issues to decision makers and policy makers' public agenda, and to warn against environmental trends that might harm Israel in the future, while keeping an eye on Israel's social and economic development.
- ◆ *The National Council for Civil Research and Development:* The council is an independent advisory body, which will be re-established according to law. The decision to re-establish the Council is based on a government recommendation from April 2004. In 1968, the Council established the

Committee for Water Quality, which became a cornerstone for government bodies in environmental protection. The Council's objectives include promoting coordination in civil research and development and directing national policy and priority setting. The Council's role in shaping long term strategy in research and development is part of the trend towards sustainable development.

- ◆ *The Council for National Parks, Nature Reserves and National Landmarks:* a statutory body established by the government. The Council is an advisory body to the Minister of Interior, the Minister of Environment, planning authorities, local authorities and the Nature and National Parks Authority. The Council's responsibilities are derived from a number of laws.
- ◆ *The Council for Building and Site Preservation:* The Council was established based on a recommendation from the Parliament Committee on Education, following continued destruction of historic sites. The Council is not a legal entity, but is authorized by the Society for Protection of Nature in Israel and functions as a secondary body within the Society. The Council's main objectives are to prevent destruction of buildings and sites, to initiate and promote preservation and development programs, to increase public awareness about the need for preservation, and to impart values regarding the importance of preserving the constructed heritage.
- ◆ *The Water Council:* The council, which was established by law, is appointed by the government. Among the functions imposed upon the Council by law, is advising the Minister in charge of water on questions of water policy.
- ◆ *The Israel Lands Council:* The council, which was established by law, is appointed by the government. The council determines the land policy by which the Israel Lands Administration operates, supervises its activities and approves its budget proposals.
- ◆ *The Agricultural Research Organization of Israel — Volcani Center:* The Agricultural Research Organization is under the authority of the Ministry of Agriculture. It is the largest agricultural research body in Israel, and is responsible for planning, organizing and implementing most of the agricultural research in Israel. The Administration acts as an extension of the Ministry of

Agriculture in infrastructure research, applied agricultural research, and in handling issues related to agricultural produce.

- ◆ *The Israel Lands Administration:* An entity established by law. The Israel Lands Administration is a government body subordinate to the Ministry of Industry and Trade. It is entrusted with managing ninety-two percent of Israel's lands and deals mostly with leasing out land to the agricultural, industrial, and residential sectors. The planning and development unit handles most of the administration's environmental activities. Sustainable development and environmental considerations set many of the administration's projects in motion.
- ◆ *The Geological Institute:* The Geological Institute functions within the Ministry of National Infrastructure. The Institute conducts surveys, carries out applied scientific research and development, advises and provides services, creates analytical infrastructures, builds and maintains national databases.
- ◆ *The Geophysical Institute:* The Geophysical Institute is a government-owned company funded and supervised by The Ministry of National Infrastructure. The Institute conducts geophysical surveys, underground mapping, and research projects meant to minimize risk from earthquakes. It is also involved in environmental geophysics research. The Institute established the Center for Water and Air Pollution Monitoring.
- ◆ *The Israel Export and International Cooperation Institute:* The Institute is non-profit organization that was established by the government, the manufacturers association, and the commercial bureau's trade unit, in order to promote its members exports. The Institute promotes exports for industries related to environmental chemistry and technology.
- ◆ *The Standards Institution of Israel:* The Institution is one of the bodies authorized by the Ministry of Industry and Trade. The Institution's objectives are to ensure quality by preparing standards; conducting surveys, studies and inspections; and by granting "standard labels." The institute takes part in the "green label" project, which gives environmentally friendly products a market advantage. The institute is involved in environmentally friendly construction, by integrating environmental considerations into the building process and the commitment to uphold environmental standards and regulations.

- ◆ *Department of Public Works*: An entity with statutory power. The Department of Public Works, which is subordinate to the Ministry of Transportation, is responsible for planning, developing and maintaining Israel's network of inter-city roads. The Department is involved in the following environmental activities: conducting environmental impact assessments; planting and forestry on the sides of the roads; preserving lands and preventing floods; preventing and minimizing air and noise pollution from transportation; recycling building materials; and architectural and landscape planning by the sides of roads.
- ◆ *The Israeli Institute for Biological Research*: The Institute conducts basic and applied research of national importance in the fields of biology, chemistry, public health, and environmental science, at the request of government and civil bodies in Israel and abroad. The institute develops methods for estimating concentrations of environmental contaminants; conducts meteorological measurements and risk assessments; and conducts research on toxic substances and pest removal.
- ◆ *Mekorot*: A statutory body. Mekorot is a government owned company with legal standing. The company operates Israel's water system and is in charge of water supply, developing water supply systems, and developing new water sources. The company's primary environmental activities include wastewater treatment and recycling, water desalinization, and water quality assurance. The company's environmental department is involved in protecting Israel's water resources from contamination.
- ◆ *The Government Fund for Quarry Restoration*: This independent body, that was established by the Quarry Ordinance, is responsible for restoring deserted quarries to a land use determined by the planning institutions. Restoring quarries prevents them from becoming an environmental and security problem.
- ◆ *The Jewish National Fund*: An entity with statutory power. This company, owned by the Zionist Federation, is involved in forestry, river restoration, preservation of forests and open lands, preventing desertification, and assisting the national water economy. The JNF is also involved in agricultural and ecological research, soil and coastline surveys, and mapping of environmentally sensitive areas.

- ◆ *The Chief Rabbinate of Israel:* A statutory body. This is an independent body, under the authority of the Ministry of Religious Affairs. It is defined as the Israeli government's supreme authority on spiritual and legal affairs. The Chief rabbinate touches upon environmental issues through its work with the agricultural sector and large urban wholesale markets.
- ◆ *Israel Antiquities Authority:* An entity established by law. The authority is a corporation that is responsible for enforcing the Antiquities Law of 1978. The authority is responsible for declaring that a given area is an archeological site, and for setting and implementing development policy in those declared areas. The Authority is involved in studying, preserving, and restoring these sites. One of the authority's objectives is to preserve values of nature and the environment.
- ◆ *The Public Works Authority for Water and Sewage:* This is a government supervisory authority, which was established according in the Water and Sewage Corporation Law of 2001. The purpose of the authority is to ensure the quality of the water and sewage services provided by municipal companies. Among the authorities responsibilities: to establish standards for services the company is required to provide; supervise the way the company handles customer complaints and fulfills its obligations; review the company's expenses and establish its rates; and to establish guidelines regarding the company's obligations to consult and report to relevant government appointees and ministers, as established by law.
- ◆ *The Nature and National Parks Authority:* An entity established by law. This is an independent corporation, that functions in accordance with the National Parks, Reserves, and Sites Law of 1998. It is considered one of the most important bodies in Israel's nature preservation system. Its objectives are to protect biodiversity, the ecosystem, and Israel's parks, nature reserves, and landscapes; to preserve and foster heritage sites in Israel's natural parks and nature preserves; and to educate the public about the importance of nature, landscape, and heritage preservation. The Authority's modes of activity are distributing information, supervising, enforcing, and assisting academic studies. The environmental unit provides professional assistance in areas such as allocating water for nature, treating and eliminating wastewater from natural parks and nature reserves; restoring rivers; and proper usage of toxic

substances. The environmental monitoring unit monitors rivers, water quality, water use in nature protection, and toxic substances.

- ◆ *The Ports Authority:* This corporation is responsible for planning, constructing, developing, managing, and running many of Israel's ports. Port managers supervise handling of cargo containing toxic substances, and ensure that precautionary measures are taken. They are also responsible for collecting fines imposed by the Ministry of Interior for ocean oil spillage. The authority's environmental appointee is involved in environmental issues at the regular operating level, and at the level of statutory planning. The ports have a considerable impact on the environment, including air pollution, ocean pollution, sewage, waste, land contamination, groundwater contamination, and toxic substances. The Authority's environmental appointee deals with environmental issues related to planning, law, and day to day operation.
- ◆ *The Airport Authority:* An entity established by law. This corporation legal is responsible for operating, planning, developing and securing airports and continental border terminals. The Authority is responsible for planning and construction at these sites and for providing related services. The Authority's primary environmental activities include: taking steps to reduce noise pollution from planes; assimilating environmental considerations into airport development plans; setting operational standards for reducing the potential for air, water, and land contamination from fuel burning and storage; setting standards for toxic substance use; wastewater treatment; waste removal, and using treated wastewater; and assimilating these in the framework of installations' regular operations.
- ◆ *The Meteorological Service:* An entity with statutory power. The hydrological service, which is subordinate to the Ministry of Transportation, is involved in the following environmental activities: general forecasting, forecasting of extreme weather phenomena, and forecasting air pollution potential. The service also prepares environmental impact assessment and provides data to bodies that prepare such assessments, conducts meteorological research, and collects data for climate, agro-meteorological, and environmental research. The service has developed a national archive for meteorological data.

The State Comptroller's Office

- ◆ General background: The State Comptroller is an independent authority, separate from the executive authority. The Comptroller's powers are derived from the State Comptroller's Basic Law, and from the State Comptroller Law of 1958. The State Comptroller's function is to examine the reviewed bodies' actions, management practices, efficiency, and other parameters, as he sees fit. The Comptroller publishes his findings and recommendations in a public report. The comptroller's objectives are to increase transparency, bring certain matters to the public agenda, and point out deficiencies and irregularities.
- ◆ The state comptroller's review of environmental issues is based on the following principles and rules:
 1. Examining whether there is transparency in order to strengthen the principle of accountability.
 2. Examining whether development processes are carried out in light of sustainable development requirements.
 3. Examining whether cost-benefit analyses are considered in decision making.
 4. Examining execution of long term planning.
 5. Examining whether authorities try to uncover risks.
 6. Creating tools for quality-control that expedite efficiency
 7. Urging the authorities to pass appropriate laws and regulations, and to update existing ones.
 8. Utilizing studies that analyze and compare regulations and processes in the Western world.

The State Comptroller audits the following environmental topics: Israel's international obligations and their application; the existence of a national policy on inspection; the existence of environmental laws and regulations and the degree of their application; planning and budgeting; the application of environmental standards; the existence of environmental databases; the existence of environmental monitoring systems; licensing; inspection and enforcement; and regulation of expenses.

- ◆ The state comptroller's office audits important environmental topics including: water quality, the water system, suitable land use, noise pollution, waste removal, toxic waste treatment, and preparation and review of environmental impact assessments. In most of its reports, the review has pointed out significant gaps between planning and execution, primarily with respect to delays in the planned schedule. The reports have pointed out problems and delays in execution of decisions made by the parliament and ministry environmental committees and considerable problems in the government's environmental administration — primarily in environmental enforcement and inspection.

The review process in Israel is performed with constant and continuous attention to developments in international standards in public and environmental administration. For Israel's State Comptroller, these standards serve as benchmarks towards which Israel should strive.

Conclusions

Many public authorities in Israel are involved in environmental issues. For most of these, there is no central governmental body to guide or supervise its activities.

This study examined the many public authorities in Israel that are involved in environmental issues. The study focused on the authorities' activities and their legal and administrative infrastructure. This study is the first "guide to the perplexed", designed to help orient the reader through the complex web of administrative bodies that deal with environmental administration in Israel.

Many of the units within Israel's public authorities act without central direction, without any requirement to coordinate their activities, and with different objectives, determined by their own agenda or the agenda of the ministries within (or alongside) which they function.

The multitude of public authorities with shared responsibilities and duties on the one hand, and autonomous power on the other, can result in duplication, conflicts of interest, squandered resources and manpower. For the public, the current situation creates uncertainty, frustration, and anger. Public authorities with shared

responsibilities may evade action, on the assumption that the other responsible party will carry out the required duties. The State Comptroller's findings concerning environmental issues reflect this result.

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. 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. Public authorities should be divided or concentrated according to their field of activity, and there should be ongoing follow-up of their activities.

There is an urgent need for a periodic government or administrative mechanism that will examine and update the "map" of Israel's public authorities' activities, responsibilities, coordination, and resources.

The existing connections – within the public authorities and between the public authorities and government ministries or other governmental bodies – should be examined. Finally, the question of whether the public authorities' environmental activities should be regulated or given priority should be considered within the government's decisions or in its legislation.

Since it is only natural that some environmental topics become less relevant with time, there is a need to establish a mechanism by which public authorities can expunge outdated topics and take on new "hot" topics when these emerge.

This study also emphasized the importance of the State Comptroller's involvement, and showed that it is essential for Israel's environmental administration to implement the Comptroller's findings and recommendations.