Today in the Knesset: The "Governance Bill"

The "Governance Bill" is a legislative initiative amending the Basic Law: The Government, aiming to make no-confidence motions much more difficult, raise the electoral threshold from its current 2% to 3.25%, and reduce the number of ministers serving in the government.

Raising the electoral threshold would force the Arab and Jewish-Arab parties to unite in order to enter the next Knesset (other small parties will also be affected), and has created much controversy. On March 9th, an ad signed by 20 major civil society organizations in Israel and calling MKs to vote against the bill was published on the front page of Haaretz. (*See the original ad here, and a translation here.*)

The Bill passed a first reading in the Knesset in July and its second and third readings are expected to be voted on as a part of a "package deal' (*see below*) in marathon sessions between Monday, March 10th and Thursday, March 13th, 2014. At present, the Opposition declared it will boycott the sessions and voting, and the 11 Arab MKs are threatening to resign if the Bill passes.

Following is a brief description of the bill's progress in the Knesset, a summary of positions in favor and against the bill, and links for further reading.

In the Knesset

In February 2013 a bill was presented by MK David Rotem (Israel Beitenu) to Knesset seeking to improve governability by making no-confidence motions extremely difficult, reducing number of ministers and raising the electoral threshold to 4% from its current 2%. The bill elicited strong opposition yet passed a preliminary Knesset reading by a vote of 51:43 on May 8, 2013.

In early June, an alternative version was presented by MK Ronen Hoffman (Yesh Atid) in which the electoral threshold would be raised gradually to 4% and no-confidence motions would be slightly easier than in the first version. This alternative bill passed a preliminary Knesset reading by a vote of 60:44 on July 2nd.

Ultimately the Knesset passed the first version of the bill on July 30th, the Knesset's last day in session before recess. Notably, MK Reuven Rivlin, the Former Speaker of Knesset from Likud objected and MK Yuli Edelstein, the current Speaker from Likud abstained as did MK Adi Koll from Yesh Atid. The opposition staged a silent protest. PM Netanyahu personally intervened to help find a compromise and met with opponents to the bill, including MK Dov Haneen of the Arab-Jewish party Hadash.

The two bills were eventually merged and prepared for second and third reading, continuing to elicit strong criticism from the opposition. At the end of December 2013 PM Netanyahu and Minister of Foreign Affairs Lieberman reached an agreement that the new electoral threshold presented in the bill will rise in the next elections from the current 2% to 3.25%. In early March, the Knesset's Constitution and Law Committee approved this version of the bill by a vote of 7:6. Despite the opposition's attempts to bring the threshold clause to a separate vote from the rest of the Bill due to the assumption that it won't pass as an individual bill, the Committee ultimately voted to keep the Bill as one.

The Governance Bill will be presented to the Knesset as a part of a package together with the Draft Bill and the Referendum Bill. Second and third readings on all three bills are expected to be voted on one after the other in marathon sessions between today and Thursday.

At present, the Opposition has announced that it will boycott the entire three-day discussion, and the 11 Arab members of Knesset are threatening to immediately resign if the Bill passes. In an attempt to resolve the crisis, Knesset Chairman MK Edelstein is suggesting an additional day of discussion as compromise.

Discourse

Advocates for the bill to argue that raising the threshold will increase efficiency in government work and strengthen governability in Israel, citing that "Israel's extreme proportional representation system tends to exacerbate political instability. Government coalitions that are cobbled together inevitably become a patchwork of diverse factions. And these governments are weakened by chronic divisions and instability."[1]

Those opposed to the bill claim the proposal is anti-Arab and/or anti-democratic because it would force the three Arab and Jewish-Arab parties to unite in order to enter the next Knesset (despite their ideological differences and the fact they are elected by different constituencies) thus denying equal representation. Early on, Knesset Speaker MK Yuli Edelstein (Likud) objected on the same grounds and suggested amending the bill "so as not to put the principle of democratic representation at peril."[2]

A middle argument says that in principle raising the threshold can be beneficial, but not so abruptly as the initial suggested 4% that the smaller parties don't have time to adjust and may be wiped out as a result. "The goal of the change is not to deny representation to minority groups, but to have them represented by larger parties. […] raising the threshold to 4% in "one take" could wipe out minority parties in short order. Therefore, it is necessary to exercise caution and to raise the threshold in a moderate and gradual manner, and not as proposed in the bill."[3]

Further Reading

Israeli government's 'package deal' hinders democracy and peace – *Haaretz* - Editorial – 3.9.14 "The three bills are significant enough for coalition members not to have to indulge in political horse-trading."

Opposition threatens to boycott debates on big three bills – *Jerusalem Post* - Lahav Harkov – 3.5.14 "Coalition to enforce one-day debates on final haredi conscription, electoral reform, referendum on land concession votes next week"

An electoral threshold too high - *Haaretz* - Moshe Arens – 1.27.14 "Israel's electoral system has enabled the Arabs and the ultra-Orthodox - to participate in the parliamentary arena. Probably all will agree that this is essential for Israel's democracy."

Israeli electoral reform 'blocks Arab parties' – *The Jewish Chronicle Online* – Anshel Pfeffer -1.2.14 "The move is opposed by the smaller parties, particularly those representing the Arab minority, who claim that its real aim is to keep them out of the Knesset."

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[1] "Three important bills." Editorial. Jerusalem Post, October 14, 2013.

[2] Azulay, Moran. "Ministers OK governance bill draft." YNET, May 6, 2013.

[3] Rahat, Gideon, "A Professional Assessment of the Governance Bills: A Letter to the Constitution, Law, and Justice Committee;" Legislative Update; Israel Democracy Institute, 10.05.13.

[The Arab public discovers the other side of raising the threshold](#) – *Haaretz* – Jack Khoury and Ilan Lior – 12.29.13 "While the Arab parties claim that this legislation is anti – democratic, the Arab public believes it will actually increase voter turnout and political power." (Hebrew)ʼ

[Arab parties plan to fight right-wing bid to squeeze them out of Knesset](#) – *Haaretz* - By Jack Khoury and Ilan Lior – 12.29.13 "Niche organizations on both sides of the political divide defiant over plan to raise electoral threshold."

[For Arab voters, a boon in disguise](#) – *Times of Israel* – Haviv Rettig Gur – 8.1.13 "Why a government plan to increase the electoral threshold, blasted as 'racist' by Arab parties, might be the best news Israel's Arab citizens have heard in a long time."