

Israel to scale back law allowing PM to declare war without gov't backing



IDF Chief of Staff Gadi Eizenkot, Israeli prime minister Benjamin Netanyahu and Defense Minister Avigdor Liberman discuss the confrontation with Iran and Syria on February 10 2018. Ariel Hermoni/Ministry of Defense

Members of Israel's Security Cabinet on Wednesday agreed to scrap a controversial new law that permits the prime minister to declare war or order a major military operation in "extreme circumstances" after consulting only the defense minister — and without a full cabinet vote.

Following a wave of public backlash and concerns expressed by lawmakers, Prime Minister Benjamin Netanyahu and Justice Minister Ayelet Shaked proposed that the measure be scaled back to its original form which allows the Security Cabinet to order military action under certain circumstances without a full government vote, but not the prime minister and defense minister alone.

The so-called "War Law" must now be re-legislated through Israel's parliament,

with the process expected to begin this month.

Critics of the bill, which passed by a 62-41 vote earlier this month, said that allowing the premier and defense minister to order military action would take away all oversight on matters relating to war from the lawmaking body and effectively give two people free reign over heavily consequential decisions.

Part of the issue with the law, critics said, is that it did not elaborate on what circumstance qualify as “extreme” and provided Netanyahu with a carte blanche to launch attacks.



FILE - Israeli Prime Minister Benjamin Netanyahu, and Avigdor Lieberman, sit at the Knesset, Israel's parliament in Jerusalem, Monday, May 23, 2016.

AP Photo/Sebastian Scheiner

Professor Uzi Arad, the former National Security Advisor for Netanyahu and Chairman of National Security Council told *i24NEWS* the law was “reckless.”

Liberman has spoken in defense of the law, arguing that Israel's enemies do not need parliamentary approval to declare war and that urgent and immediate decisions must sometimes be taken.

“[Hezbollah leader Hassan] Nasrallah and [Iran's] Revolutionary Guards don't

need a legal adviser and a Supreme Court. We must maintain the option of responding immediately in real time. We need to be ready at all times. There is no time for footdragging. This law will help us to deal with the many threats against the country,” the defense minister said.

As backlash grew, ministers were concerned that the law would be struck down by the High Court of Justice on the grounds of constitutional overreach.

The original form of the law was not without its own controversy. Some legislators saying that it contained loopholes that would still allow the prime minister to declare war without the full security cabinet.



Israel's Defense Minister Avigdor Liberman with top IDF brass, May 16, 2018

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One member of the Knesset's Foreign Affairs and Defense Committee (FADC) told Israel's *Haaretz* daily that the premier could theoretically “announce he was convening the cabinet in four minutes, preventing any minister from attending, thus making the decision himself.”

The Security Cabinet currently has 10 permanent members. It is mandated by law to have at least seven members including the prime minister, defense minister,

foreign minister and justice minister.

While Israeli law currently stipulates the government as the sole authority authorized to declare war, in practice, such decisions have been made since 1982 not by the full government but by the cabinet or even smaller forums of ministers.

The high-level security forum recently moved its meetings to a new, specially built underground bunker in Jerusalem, a move which some said could signal the extreme sensitivity of upcoming discussions such as a possible escalation with Iran on the Syrian border.

At least three meetings have already been held in the secure bunker, known as the National Management Center, according to *Army Radio*.

Source: <https://www.i24news.tv/en/news/israel/politics/175472-180524-israeli-ministers-seek-to-scale-back-law-allowing-pm-to-declare-war-without-vote>

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