

**DRAFT RESOLUTION PROPOSALS
TO THE ZIONIST CONGRESS XXXVII**

**COMMITTEE #6:
THE STRUCTURE OF THE NATIONAL INSTITUTIONS
IN THE MIRROR OF TIME – B**



**JERUSALEM
20-22 OCTOBER 2015
7-9 HESHVAN 5776**

1 **COMMITTEE #6: THE STRUCTURE OF THE NATIONAL**
2 **INSTITUTIONS IN THE MIRROR OF TIME - B**
3 **TABLE OF CONTENTS**

4

NO.	TITLE	SUBMITTED BY	PAGE
6.1	A New Framework for Cooperation between the WZO and the National Zionist Federations	ARZENU The International Federation of Reform and Progressive Religious Zionists	3
6.2	The Status and Role of the Federations Worldwide	Ohavei Zion Faction World Sephardic Zionist Organization	3-4
6.3	Governance and Federations (1)	American Zionist Movement	4
6.4	Enhancing the Impact of the Zionist Federations	MERCAZ Olami & Masorti Olami & The World Confederation of United Zionists	4-5
6.5	Ensuring Proper Governance within the Zionist Federations		5-6
6.6	Appropriate Use of Funds of the World Zionist Organization	Mr. Paul Charney, ZF UK	6
6.7	Call for a Governance Review of the WZO		6-7
6.8	Investigation of the use of WZO funds in the UK		7
6.9	Relationship between the Zionist Federation UK & the WZO		7
6.10	The Relationship and Flow of Funds between WZO and the National Zionist Federations		7-8
6.11	Improving Communication between the WZO and Individual Regions		8
6.12	The Zionist Federations	Mr. Eliezer Shefer, World Organization of Orthodox Communities & Synagogues in Israel & the Diaspora	8-9
6.13	The Suspension of Shas from the Zionist Movement	Meretz World Union	9
6.14	Redefinition of KKL-JNF's Goals, its Activity and Means of Achievement		9-10
6.15	KKL Governance	Mr. Isaac Blachor	10-11
6.16	The Settlement Division	ARZENU The International Federation of Reform and Progressive Religious Zionists	11-12
6.17	The Settlement Challenge	Meretz World Union	12-13
6.18	The Settlement Division		13-14

5

6.1. A New Framework for Cooperation between the WZO and the National Zionist Federations

*Submitted by ARZENU,
the International Federation of Reform and Progressive Religious Zionists*

Whereas the national Zionist federations are among the most important assets of the WZO;
and

Whereas most national Zionist Federations have primarily been focusing their efforts on
running World Zionist Congress elections; and

Whereas the greatest potential for fueling a resurgence of Zionist thought, commitment and
action can be found at the grassroots level and should be nurtured through the national
Zionist Federations; and

Whereas most of the national Zionist federations have operated with the same leaders for
many years, with very little rotation and replacement and with very little representation of
young adults; and

Whereas the interplay of political purposes and the needs of the organizations sometimes
inhibits the federations functioning professionally and with a targeted focus on the aims of
the national Zionist federations:

Therefore the Zionist Congress XXXVII hereby resolves that:

1. The Zionist Executive should be tasked with setting up a framework to adjust the
federations' role to meet the challenges of the 21st century challenges both as political
structures and as institutions responsible for delivering programs of Zionist thought,
commitment and action.
2. This framework should reward effective activity of the national Zionist federations rather
than the mere existence of such federations.
3. This framework must include a mechanism to ensure transparency and accountability in
the allocation of funds through federations and then to members in a fair and equitable
way.
4. This framework may only be used to support activities that comply with the guidelines of
the WZO prohibiting discrimination based on origin, nationality, race, religious belief,
sexual orientation or gender.
5. The national Zionist federations should implement the spirit of the Constitution of the
World Zionist Organization in all ways, including the obligation to include in their
delegations at least 25% young adults and at least 30% women and in their formal
organizational structure.

6.2. The Status and Role of the Federations Worldwide

Submitted by Members of the Ohavei Zion Faction, World Sephardic Zionist Organization

Whereas the Zionist Federations worldwide, in my estimation, deal for the most part with
members who are connected with the Federation; and

Whereas many Jews in the Diaspora have no connection with the National Institutions; and

Whereas without a connection to the National Institutions, it will be difficult to impact on
them and attract them to Judaism and Zionism,

The Zionist Congress XXXVII resolves:

1. Each Federation shall draw up a program on how to attract different populations – such
as *yordim* (expatriate Israelis), the assimilated – so that they will have a link to the
community.

2. Each Federation shall establish "Israeli houses" where Jews will have a place to meet up, find an attentive ear to their problems, and where the issue of Aliyah will be handled.
 3. The Federations shall report on their activities, as required, to the Zionist Executive.
 4. A series of Jewish Identity and Activity Days will be promoted in the communities, offering displays, lectures, with additional advocacy material and social activities, as required.
- The aforementioned represent just a few examples of activity options; obviously, one could find many ideas for activities.

6.3. Governance and Federations: (1)

Submitted by the AMERICAN ZIONIST MOVEMENT

Whereas the foundation of Zionist activity in countries outside of Israel is built in substantial part on the efforts of Zionist Federations which are partners in the work of the World Zionist Organization as provided in Article 7A of the Constitution of the World Zionist Organization,

The Zionist Congress XXXVII resolves:

1. The following principles shall be observed by the World Zionist Organization, its officers, the Zionist Executive and Outer Executive:
 - a. A focus and principal function of the Department for Diaspora Activities, and the means by which the Department accomplishes its primary mission shall be the ongoing support of Zionist Federations in countries outside of Israel and the development of effective Zionist Federations in countries where such organization is absent or not functioning.
 - b. The Department of Diaspora Activities shall plan, coordinate and implement its activities with and through the Zionist Federations, providing, among other things, materials and programs aiding the Federations and its constituent organizations to engage in Zionist education, outreach to and engagement with all age cohorts, and, in particular, (1) increased engagement and meaningful involvement of youth and young adults and (2) strategies which will promote Zionism to all segments of the Jewish people, including organizations that are not affiliated with the Zionist movement.
 - c. Activities of the Department of Diaspora Activities shall always be undertaken with and through the Zionist Federations in place in each country, unless the Zionist Executive, after prior consultation with and agreement of the Zionist Federation in that territory, expressly authorizes a specific activity that differs from this standard.
2. The foregoing principles and priorities shall be reflected in the budget and work plan of the Department, which shall be created, approved and regularly reviewed in consultation with the affected Zionist Federation.
3. All activities and actions of the Department of Diaspora Activities shall be reported by the Department Head, in writing, on a semi-annual basis, to all members of the Zionist Executive, the Outer Executive, the Zionist General Council and heads of all Zionist Federations.

6.4. Enhancing the Impact of the Zionist Federations

*Submitted by MERCAZ Olami and Masorti Olami
and World Confederation of United Zionists*

Whereas, the Zionist Federations in countries throughout the world are, and should be, the face of Zionism in their respective areas, incorporating all Zionist bodies and reaching out to individuals and organizations that are not specifically Zionist.

The 37th Zionist Congress:

1. Instructs all Zionist Federations to:

- a) Take steps to make sure that all Zionist organizations in their territory are fairly represented, and shall include participation of local representatives of International Organizations represented in the World Zionist Organization as members or affiliates, as appropriate to that territory, so that the Zionist Federation can achieve maximum effectiveness in promoting Zionist ideas and principles, and so that it is clear that the Zionist Federation includes and works together with, all of its constituents, and
- b) Develop strategies to promote Zionist ideas and principles to youth and young adults, including outreach to groups not affiliated with the Zionist Federations as constituent organizations (such as Hillel, fund-raising organizations, and men and women active in other segments of the organized Jewish community).

2. Instructs the Zionist Executive and the Zionist General Council through its Budget and Finance Committee to insure that the Zionist Federations will receive sufficient budgets to fulfill their obligations as detailed in Article 7 of the WZO Constitution and in the resolution detailing the mandate of the Zionist Federations adopted by the Zionist General Council in 2010, including but not limited to creating a framework encompassing all Zionist youth movements as well as promoting Aliyah, Israel experience opportunities, Zionist education, the Hebrew language, Israel advocacy, and the engagement of their constituencies in shaping Israel as an exemplary society.

6.5. Ensuring Proper Governance within the Zionist Federations

*Submitted by MERCAZ Olami and Masorti Olami
and World Confederation of United Zionists*

Whereas the Zionist Federations "shall be the instrument in conjunction with which the Executive shall carry out the tasks and duties imposed upon it by the provisions of this Constitution and the resolutions of the Congress and the General Council," and

Whereas many of the Zionist Federations have been lax in fulfilling their organizational and administrative responsibilities as required by the WZO Constitution, particularly as detailed in Article 7, appended below,

Be it resolved:

That no later than January 31, 2016 the Department for Diaspora Activities shall propose to the Zionist Executive for its approval a procedure for granting a Zionist Federation with a "Certificate of Proper Management" (*nahal takin*), requiring renewal on an annual basis.

Be it further resolved that, following a grace period of 6 months from the date on which the Executive adopts the procedure, a Zionist Federation that has not conformed with the procedure for securing such certification, or that has not submitted sufficient evidence that it is in the process of conforming, shall no longer be eligible to receive WZO funding and forfeits its rights as specified in the Constitution, until such time as it does conform with the procedure.

The Constitution of the WZO – Article 7:

"In order to be a Member of the World Zionist Organization, a Zionist Federation shall comply with the following requirements:

- a) *Admit as a member every Zionist body and individual who accept the Constitution of the Federation and the program of the World Zionist Organization unless in the opinion of the Federation there exists a weighty reason against such admission. A Federation is not entitled to refuse the admission of a body affiliated with a Zionist World Union;*
- b) *Act according to the basic principles of justice, equality and democracy, prevent the membership of bodies or individuals who adhere to or advocate discrimination*

based on origin, nationality, race, gender or sexual orientation and conduct its affairs, having regard to the protection of the requirements of all members of the Federation.

- c) Hold at least once every three years a national convention and determine in its Constitution a method of electing delegates to the convention consistent with accepted democratic principles and which will, inter alia, ensure adequate representation of the Keren Hayesod-United Israel Appeal, the UJA and the Keren Kayemeth LeIsrael; 8 8*
- d) Determine in its Constitution a method of electing its governing bodies consistent with accepted democratic principles and which will, inter alia, ensure adequate representation of the Keren Hayesod-United Israel Appeal and the Keren Kayemeth LeIsrael;*
- e) Set up a framework encompassing all Zionist youth movements and members of organizations of young people, as far as such frameworks are not already in existence, and admit these to the Federation as members;*
- f) Establish local branches of the Federation wherever practicable.*
- g) Ensure the right of any Zionist body which has been refused admission as a member or has been suspended from the membership, to appeal the decision before a Zionist Territorial Tribunal and from such Tribunal to the Zionist Supreme Court;*
- h) Stipulate that all bodies affiliated with the Federation commit their members to fulfilling their obligations towards the Keren Hayesod-United Israel Appeal, the UJA and the Keren Kayemeth LeIsrael (hereinafter "the National Funds") and the members of the Executive of the Federation to taking an active part in the work of the National Funds; assure the fulfillment of the above obligation by means of regulations on the model of the provisions of Art. 60 A of the Constitution, and of Regulation 11 of the Regulations for the Implementation of the Constitution;*
- i) Ensure the right of any person whose membership in a governing body of the Federation has been suspended in accordance with the aforementioned lit., to appeal from such decision to the Territorial Judicial Body (Art. 57) and from the decision of that body to the Zionist Supreme Court.*

6.6. Appropriate Use of Funds of the World Zionist Organization

Submitted by Mr. Paul Charney, ZF UK

Whereas the core mission of the WZO is to support and promote Zionist activity around the globe; and

Whereas the resources and funds of the WZO are to be used for that purpose; and

Whereas there are serious concerns that large amounts of WZO resources do not appear to be used in alignment with its core mission,

Therefore be it resolved that:

1. The Zionist Executive set up an independent inquiry into the current use of WZO resources and funds.
2. The Zionist Executive must act urgently and immediately to reduce the amount of spending on WZO bureaucracy and reallocate these resources and funds to Diaspora based Zionist activity.

6.7. Call for a Governance Review of the WZO

Submitted by Mr. Paul Charney, ZF UK

Whereas there are concerns that the current governance structure of the WZO is not fit for purpose; and

Whereas there are instances of failure of the leadership of the WZO divisions and departments to implement the recommendations of the WZO Comptroller; and

Whereas this has led to a loss of confidence in the relevance of the WZO throughout the global Jewish community,

Therefore the Zionist Congress XXXVII instructs that:

1. The WZO set up a governance review with a particular focus upon creating a separation between the representative/democratic/political components of the organization on one hand, and the professional staff who are responsible for executing its program on the other.
2. The new governance structure must ensure a mechanism of sanctioning the leadership of the WZO divisions and departments who fail to implement the recommendations of the WZO Comptroller.

6.8. Investigation of the use of WZO funds in the UK

Submitted by Mr. Paul Charney, ZF UK

Whereas concerns have been raised about the use of the \$200,000 WZO budget allocation to its UK based office for promoting Aliyah;

Therefore be it resolved that:

The Zionist Executive shall instruct the Zionist Federation in the UK to set up an independent UK-based committee to investigate how these funds are being applied and whether or not value for money is being achieved.

6.9. Relationship between the Zionist Federation UK (ZF UK) and the WZO

Submitted by Mr. Paul Charney, ZF UK

Whereas there had been an arrangement, and funding thereof, whereby the ZF UK and its senior staff also act as the UK Office and UK Director of the WZO, respectively; and

Whereas there is no process for transparency and accountability for this arrangement and no line management structure of the senior staff when acting in the capacity of UK Director of the WZO; and

Whereas this arrangement has not been clearly communicated to the UK Jewish community and appears to create potential conflicts of interest, and

Whereas the ZF UK failed in providing support to the process of planning UK elections to the XXXVII Zionist Congress and failed to act as the independent secretariat to the AEC, a process which was further complicated by the recognition of two Federations in the UK,

Therefore be it resolved that:

1. The Zionist Executive take immediate and public steps to clarify the details, funding and accountability structure for any arrangements regarding the relationship between the ZF UK as a national Zionist Federation and as the UK Office of the WZO.
2. The Zionist Executive must ensure that there are clear line management structures in place for all WZO staff, including those based in the Diaspora.
3. The WZO Comptroller or another independent body examine the current situation in the UK in detail with regards to past failures of the ZF UK (as outlined above) in ensuring the smooth running of the ZC election process. This body shall make recommendations to improve matters for the future in a full report to AEC UK members and the ZF UK National Council.

6.10. The Relationship and Flow of Funds between WZO and the National Zionist Federations

Submitted by Mr. Paul Charney, ZF UK

Whereas concerns exist regarding the relationship between the WZO and the national Zionist Federations and the flow of funds between them; and

Whereas there is a need for increased transparency in the WZO's allocation of funds to national Zionist Federations; and

Whereas according to Article 7A of the Zionist Constitution, "A Zionist Federation accepted as a member of the World Zionist Organization, shall be the instrument...with whom the Executive shall carry out the tasks and duties imposed upon it..."

Therefore be it resolved that:

1. Standing commissions in each WZO region shall be formed to explore the relationship and flow of funds between the WZO and the various countries in which it is active.
2. The standing commissions include representatives of members of the national Zionist Federations in each region.
3. The standing commissions issue annual reports and make recommendations as to how WZO resource might be used more effectively in each region.
4. The Executive commit itself to working through and adequately funding the national Zionist Federations so that they may properly carry out the tasks asked of them and imposed upon the Executive. To this end, the Executive shall implement open and transparent processes to assess the performance of the Federations in this regard, in tandem with a protocol for actions to be taken should any Federation be deemed unable or unwilling to carry out these tasks.

6.11. Improving Communication between the WZO and Individual Regions

Submitted by Mr. Paul Charney, ZF UK

Whereas many ordinary, active Zionists around the Diaspora have little or no understanding of the work of the WZO;

Whereas many Zionist organizations are increasingly distant from the WZO;

Whereas many Zionist Federations do not actively or sufficiently communicate to their own members and broader audiences in their regions about the work of the WZO,

Therefore it be resolved that:

1. Members of the Executive, Vice Presidents and other officers of the WZO be allocated responsibility for communications with specific regions.
2. The designated persons visit active communities in those regions on an annual basis and hold consultative meetings with all Zionist organizations.
3. In addition to general or contemporary issues, at such meetings the designated WZO official will present WZO annual reports and accounts; a full summary of WZO expenditure and activities in that region/community; and a report on progress with any recommendations that the Comptroller/Auditor has made that impact upon that region/country.

6.12. The Zionist Federations

*Submitted by Eliezer Shefer, World Organization of Orthodox Communities
and Synagogues in Israel and the Diaspora*

Whereas the present structure of the Zionist Federations prevents them from functioning as representatives of the Zionist vision, its goals and objectives; and

Whereas the present status of the Zionist Federations in most countries around the world is deficient of significant public influence,

The Zionist Congress XXXVII resolves:

To charge a joint committee of the Zionist Executive and the Presidium of the Zionist General Council to present within three months a comprehensive program for the renewal, change in

status, authority and role of the Federations, and the proposal thus formulated shall be submitted for resolution to the Zionist General Council, with the authority of the Congress.

6.13. The Temporary Suspension of Shas from the Zionist Movement

Submitted by the World Meretz Union Faction

Whereas David Azulay, the Minister for Religions on behalf of Shas, is relentlessly engaging in an endeavor to weaken unity within the Jewish people through his addressing Reform communities as “non-Jews”; and

Whereas the Shas political party has not expressed an objection to his outrageous remarks which are hurtful to extensive groups of the public in the Diaspora and in Israel; and

Whereas the Shas faction in the WZO has not registered its objection to the remarks by Minister David Azulay; and

Whereas when Shas was admitted to the World Zionist Organization (2012), it accepted the WZO Constitution and is committed to acting in accordance with it; and

Whereas in the WZO Constitution the principle of non-discrimination is guaranteed as follows:

<i>The Nature of Zionism</i>	Zionism is a movement which adheres to the basic principles of justice, equality and democracy and which rejects discrimination based on origin, nationality, race or gender.
------------------------------	---

The Zionist Congress XXXVII hereby resolves:

1. To suspend Shas from the Zionist movement temporarily, pending the publication of a written objection to Minister Azulay’s prejudicial remarks.
2. Until the publication of an objection, the Shas faction shall not be present at the deliberations of Congress committees, and its delegates will similarly not be eligible to vote in committees or the plenary.
3. Should such an objection be submitted prior to the opening of the Zionist Congress, this resolution proposal shall automatically be null and void.

6.14. Redefinition of KKL-JNF’s Goals, its Activity and Means of Achievement

Submitted by the World Meretz Union Faction

Whereas the subject of KKL-JNF has become common property following uncomplimentary media exposure; and

Whereas there is a sense, both among the leadership of the Zionist movement and among the wider public, that KKL’s existence has lost all relevance today and it has become an entity which does not act in line with the goals for which it was established as a branch of the WZO; and

Whereas KKL’s status has changed in statutory terms, following the application of the laws of Public Utility Company upon that entity, which might impact on its structure and its modus operandi; and

Whereas an in-depth review is required throughout the National Institutions (structure, subordination, areas of activity),

The Zionist Congress XXXVII hereby resolves:

That in light of the above-described changes, the Congress shall call upon the KKL General Assembly to perform all that is required to fulfill its goals in the sphere of land development, afforestation, agriculture in the State of Israel and Jewish-Zionist education in Israel and the Diaspora.

6.15. KKL Governance

Submitted by Isaac Blachor

Background

Keren Kayemeth Lelsrael (KKL) is a Zionist Enterprise, created in 1901 in accord with a resolution adopted by the World Zionist Congress meeting in Basle, Switzerland. It has been designated as a National Institution in Israel.

A basic KKL Law was passed by the Israeli Knesset on November 23, 1953 (16 Kislev 5714) and officially published in Israel.

The KKL Articles of Association were approved by the Israeli Minister of Justice on May 20, 1954 (17 Iyar 5714). The Articles set forth an extensive list of objectives for KKL

The KKL Constitution and By-Laws provides that it is to be governed by a Board of Directors (Board) and a General Assembly (Assembly). The members of the Assembly are also the elected members of the Zionist General Council (ZGC) and are elected from Zionist groups throughout the Jewish world.

At the World Conference of KKL-JNF leaders held in Jerusalem from April 26-29, 1999, the World Chairman of KKL and all of the leaders of KKL and the JNF organizations from all around the world, adopted, inter alia, the following resolutions on April 29, 1999:

- a. KKL accepted as a priority the enhancement of its public image in Israel and throughout the Jewish world.
- b. KKL adopted a policy that it would ensure that every KKL-JNF office would receive copies of brochures, public relations materials and information and that such materials would be distributed to all KKL-JNF offices throughout the Jewish world.
- c. A World Advisory Committee (WCC) was to be established which was to include the Presidents of KKL-JNF in 2 countries representing continental Europe and Latin America, and the Presidents of the JNF organizations in Australia, Canada, the UK, and the US, and that the committee would meet at least once a year.

On June 28, 2004, the KKL Board unanimously approved the establishment of a World Coordinating Committee, to consist of representatives of those countries which contributed a minimum of 2 million dollars per year to KKL. The WCC was to include the President or Past President from each of the member countries, plus the World Chairman, Co-Chairman, Deputy Co-Chairman and the Director General of KKL, plus, as invited participants, the chief executive or professional from each of the member countries.

The implementation of these resolutions has not occurred, despite efforts made by the leading JNF organizations from around the world.

KKL has been subject to media attacks and it must respond in order to continue to work towards its stated objectives.

Therefore, the Zionist Congress XXXVII,

Recognizing that the issue of Good Governance is important for KKL enable it to better communicate with the JNF organizations throughout the Jewish world, and to act in accord with the current Good Governance standards,

Calls upon the members of the Zionist General Council to recommend to KKL as follows:

1. KKL shall publish and distribute proposed copies of its annual budget, showing expected income and expenses, and any revisions or amendments thereto in English as well as in Hebrew.
2. Copies of the annual budget as prepared by KKL in Hebrew and English, shall be circulated to all members of the Board and the Assembly no later than 30 days prior to the date that the budget is to be presented for a vote of approval. The copies shall be sent to the home address of each Board and Assembly member, and in addition, if an e-mail address has

1 been provided by the member, a copy shall be sent to that e-mail address.

2 3. The annual audited financial statement of KKL shall be prepared in Hebrew and in English.
3 A copy shall be distributed to all Board and Assembly members, as well as to all KKL donors
4 who request it.

5 4. The Constitution of KKL shall be amended to include, as an official body of KKL, an
6 International Coordinating Committee (ICC) whose members shall be the National
7 President and the Chief Executive Officer, or their proxies, of each JNF organization in the
8 diaspora that contributes a minimum of 2 million dollars annually to KKL. They shall be
9 serve as members of the KKL Board and shall receive no less than 20 days advance notice
10 of all meetings of the Board.

11 5. All meetings of the Board and the Assembly shall be available to all members by phone
12 conference call, and if possible, by video conference as well. Translations from Hebrew
13 into the various languages of the Assembly members shall be provided by KKL.

14 15 **6.16. The Settlement Division**

16 *Submitted by ARZENU,*

17 *the International Federation of Reform and Progressive Religious Zionists*

18 **Whereas**, before, and in February 2015 the 36th Zionist General Council decided to mandate
19 the Zionist Executive to:

- 20 1. Conduct a comprehensive investigation and to profoundly question the structural
21 relationship between the Settlements Division and the WZO.
- 22 2. Appoint a special auditor in the World Zionist Organization, who would examine the
23 conduct of the Settlement Division in recent years; and

24 **Whereas**, this decision has not yet been implemented and the Zionist Executive was not given
25 any information that the chairman is working to implement it and;

26 **Whereas** failure to take the necessary actions for implementation of the decision perpetuates
27 the situation which had caused the Zionist General Council to warn the Executive that it was
28 deliberately ignoring the decision of the Zionist General Council in an area of importance with
29 far-reaching implications for the legality and propriety of WZO's activities and;

30 **Whereas**, preventing the implementation of the decision perpetuates a situation in which the
31 WZO does not exercise effective monitoring of a body which is under its authority and
32 supervision,

33 **Therefore, the Zionist Congress XXXVII hereby resolves that:**

34 The incoming Zionist Executive thoroughly discuss, no later than three months from the date
35 of the end of the Congress, how to carry out the decision of the Zionist General Council and
36 report to all members of the Executive Committee in writing the results of that discussion and
37 indicate how the Zionist General Council's decision will be implemented. Prior to those
38 discussions and to make certain that all obligations and responsibilities are be implemented –
39 all documents, information, and the decisions of the Legal Advisor dealing with the legality
40 and appropriateness of activities of the Settlement Department of the WZO will be presented
41 to the Settlements Division Committee of the Outer Executive and then to the Zionist
42 Executive examining the organizational ties between them, and what steps are necessary on
43 the part of the Zionist Executive to ensure that it bears full legal responsibility for and
44 oversight of the activities of the Settlement Division:

45 Beginning with the 2016 budget of the Settlement Division, that budget will be presented both
46 transparently and in detail, as an integral part of the budget of the WZO, and shall be
47 submitted to the Zionist Executive and to the Standing Committee on Budget and Finance of
48 the Zionist General Council. During the fiscal year, the Settlement Division may not expend

funds that have not undergone review and approval by the Zionist Executive and the Standing Committee on Budget and Finance of the ZGC, and - if the need arises - there will be a discussion in the Standing Committee on Budget and Finance of the ZGC on a revised budget in order to approve such modifications, additions or reductions in the budget previously approved by it.

6.17. The Settlement Challenge

Submitted by the World Meretz Union Faction

Introduction

With the establishment of the State of Israel, the Settlement Division was established as an entity within the World Zionist Organization. However, over the years, the Division began operating in areas that are inconsistent with the orderly outlook of the WZO, such as: providing financial assistance for businesses, construction of public buildings and granting loans for construction and more, with these operations being conducted extensively beyond the borders of the State of Israel. In this manner, the Settlement Division has been transformed, de facto, into an operative arm of the Israel Government, implementing projects in which the government is interested, **while the World Zionist Organization holds no authority and/or control and/or discretionary consideration and/or oversight capacity in relation to the Settlement Division's activity and/or budgets.**

Whereas, in the State Comptroller's report published on this instance, it was made clear that the Settlement Division constitutes a "contracting emissary" for the government's activity, and that it should act accordingly. Similarly, the Settlement Division also describes itself as acting "on behalf" of the Israel Government in establishing rural settlements (its activity being conducted entirely with Israel Government funding.) It should be noted that, during the fiscal year, the financial audit of the Settlement Division's budget is conducted by the Accountant General's Unit in the Ministry of Finance; and

Whereas on 22nd July 2007, the Government determined that "*the Settlement Division of the World Zionist Organization shall be the operative entity for the implementation of government decisions in the field of settlement, including: planning, establishment, populating, development and consolidation of settlement... The Minister for Agriculture and Rural Development shall be the minister with oversight for the Division*" (Decision No. #2069); and

Whereas, in the spirit of the aforementioned, over the years, the government has even adopted resolutions of principle of supreme importance in relation to the Settlement Division's activity and, within that framework, in 2009, the government adopted a wide-reaching and detailed decision on the matter of establishing "*the goals and objectives of the Settlement Division's activity*"; and

Whereas, a few years ago, the government resolved to disempower the Settlement Division's independence in the determination of settlement policy. Furthermore, the authority to approve the Settlement Division's budget was conferred upon the Minister for Agriculture and, a number of years ago, responsibility for the Settlement Division was transferred from the Ministry for Agriculture to the direct purview of the Prime Minister's Office (Government Decision No. #3336 of 19th June 2011, by the government), since when it has been restored to the Ministry of Agriculture; and

Whereas the Zionist General Council resolved on 19th February 2015 as follows:

1. To conduct a comprehensive and in-depth clarification of issues related to organizational purview between the World Zionist Organization and the Settlement Division.
2. To appoint a special internal auditor within the World Zionist Organization who will examine the conduct of the Settlement Division over recent years.

3. To issue instructions of an immediate implementation of complete transparency in relation to all the Settlement Division's activities and their financial costs.
4. Since the Settlement Division is defined as one of the WZO's institutions, the Zionist General Council hereby resolves to restore the authority and complete control over the Settlement Division to the WZO, and this in order to enable the original roles and goals of the Settlement Department to be upheld, in its capacity as an entity intended to assist with the construction and development of settlements located within the recognized sovereign borders of the State of Israel.

The Zionist Congress XXXVII hereby resolves that:

1. In light of all the aforesaid, under the present circumstances, the World Zionist Organization is barred from exercising independent discretion in relation to an entity under its purview and its oversight. This state of affairs is in blatant violation of legal regulations of governance that specify the importance and vital nature of oversight of administrative discretion, intended to ensure the enforcement of the regime of law in its substantive essence.
2. The decisions of the Zionist General Council of 19th February 2015 in the matter of the Settlement Division shall be implemented within one month of the adoption of this resolution and the work of the committee appointed to define the authority and control under paragraph 4 is to be completed within half a year.

6.18. The Settlement Division

Submitted by the World Meretz Union Faction

"Whereas the Government of Israel has resolved to address land cultivation in the administered territories, and since the Settlement Department of the WZO has decades of experience in the establishment of agricultural settlements, I insistently request you ensure that the WZO Settlement Department assist the Israel Government in the implementation of these programs in the afore-mentioned territories. All disbursements thereto shall be at the government's expense..." (excerpts from a letter by Levi Eshkol to the Chairman of the Zionist Executive, September 9 1967).

Until the end of the 1980s, the Division maintained its operations in its traditional spheres – namely, the cultivation of arable land. In November 1996 it was agreed between the Prime Minister's Office, the Budget Unit at the Treasury, and the Division that there would be a budgetary supplement for the following purposes: social, educational, cultural and Torah-related activities; shuttle transport for settlers in Judea, Samaria and Gaza; holding of exhibitions; assistance to representative entertainment troupes; assistance in the erection of public buildings; loans to non-profit associations conducting unique activities; and

Whereas the State Comptroller has determined that the decision that was adopted without consultation with various government ministries and that the procedure was illegal; and

Whereas, the above notwithstanding, in accordance with decisions by the Prime Minister's Office, the Divisions activities were expanded to include urban settlements that were not agricultural, as well as settlements that had been established on lands that the Division had not leased and settlements that were not being managed by the Division; and

Whereas the Division operated in violation of the law in initiating and establishing new settlements in violation of planning and building laws, with a disregard for the need to plan a valid construction plan and this not on a chance basis but as a systematic practice. It is obvious that the obligation to receive the Minister for Security's permission for various stages of the planning process, as set down in military legislation, was not upheld. The Division operated in violation of licensing permits when it allocated them to others without permission from the

person with oversight, and when it worked on development of the territory allocated to it, while the said allocation was granted to itself for planning only (from 1996 onwards;) and **Whereas** there is an inherent suspicion that the transfer of assignments from the state to an entity such as this, and in our context, to the Division, would be made for the purpose of their implementation outside the framework of limitations applicable to itself.

It has already been ruled by the Israel Supreme Court that, *"What the State is not entitled to do directly, it is not entitled to do indirectly."* The existence of an extra-governmental operational entity in which obvious governmental powers are vested and whose entire purpose is the implementation of government decisions, all without it being fully subject to the obligations of administrative law, is not in due legal form; and

Whereas the government authorized the Division to be its operative arm, transferred broad-ranging assignments to it alongside very significant budgets, but conversely failed to compel it to the provisions of law entailed in the exercise of such powers.

When governmental powers are exercised by the Division, there is a real cause for concern that the process of implementation, decision making, and exercise of discretionary opinion will not meet the standards obligatory upon governmental authorities, because of the voluntary application, if at all, by the Division of those standards to its activities; and

Whereas the Deputy Legal Advisors determined that the issue of supervision of the Settlement Division's activities and the manner in which its finance is disbursed are one of the complex issues. 1. The more the State of Israel's agencies request the assistance of the Settlement Division as an operational entity in order to complete their tasks, these connections shall be conducted in accordance with the law compelling the issue of tenders and the regulations so regarding. 2. Such connections shall be confined, specific and, moreover, a private project. They shall not include the transfer to the Division of the powers entailed in setting policy, the exercise of discretion, and the creation of priorities but, rather, as operative assignments only. Accordingly, in the framework of such connections, it will not be possible to transfer to the Settlement Division for third parties, the implementation of distribution of allocations and resources, of any nature whatsoever, related to the conduct of the Settlement Division. In view of the unique agreement between the government and the Division and the modus operandi that became institutionalized in relation to the Division, the government has very limited oversight capacity over the entity that it has defined as an operative arm for the implementation of its decisions and which it funds in its entirety.

Therefore, the State of Israel must cease direct funding of the Settlement Division, whether via the Budget Act or via other direct fiscal transfers. The upshot is that the budget proposal for 2015 will already not include a section for financing the Division; and

Whereas, with historical perspective, years after Prime Minister Levi Eshkol tasked the WZO inner Executive with the responsibility for settlement, it appears that the time has arrived to scrutinize whether the state of affairs that has become institutionalized does indeed reflect a government structure that is consistent with the principle of law and order and with the norms of public administration,

The Zionist Congress XXXVII hereby resolves:

1. To return to the government forthwith the mandate it received from Prime Minister Mr. Levi Eshkol and succeeding governments.
2. That the Zionist Executive is responsible for implementing the resolution. Furthermore, the World Zionist Congress resolves to charge the Executive to enter negotiations with the Jewish Agency for the transfer of Settlement to the Jewish Agency (as was customary in the past.)