

## **The National Security council Act, 5768 - 2008\***

### **The National Security council**

1. (a) The Government shall have a National Security council, which shall operated within the Prime Minister's Office in Jerusalem.
- (b) The National Security council shall serve as the council body for the Prime Minister and the Government in foreign and security affairs of the State of Israel.
  
- (c) The Prime Minister shall operated the National Security council and shall lead it.

### **Roles of the National Security council**

2. (a) These are the roles of the National Security council:
  - (1) To centralize the council work of the Government, of the Ministerial Committee on National Security Matters, and of any other ministerial committee regarding foreign and security affairs;
  - (2) To prepare the discussions of the Government and its Committees as stated in Paragraph 91), to present the alternatives regarding the matters of discussion, in addition to their presentation by the bodies concerned with the matter, the differences between the alternatives and their significance, as assessed by it, as well as its reasoned recommendation for a chosen alternative;
  - (3) To track the performance of the decisions of the Government and its Committees as stated in Paragraph (1), and to report on their implementation to the Prime Minister;
  - (4) To propose to the Prime Minister an agenda and issues for discussion for the Ministerial Committee on National Security Affairs, and for any other ministerial committee or other ministerial composition on foreign and security affairs, and to recommend the invitation of participants and the echelon of those invited, to their discussions;
  - (5) To be responsible on the part of the Prime Minister, for the inter-organizational and inter-ministerial council work on foreign and security matters, to present him with the alternatives in the field, the differences between them and their significance, as assessed by it, and its recommendation to the Prime Minister regarding policy in these matters, as well as to present to the Government as stated, pursuant to the decision of the Prime Minister;
  - (6) The prepare and to present to the Ministerial Committee on National Security Affairs, at least once per year, an annual and multi-year evaluation of the Diplomatic-Security situation, as well as to prepare situational assessments regarding issues tangential to them, including

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\* Passed by the Knesset on the 26<sup>th</sup> of Tammuz 5768 (29<sup>th</sup> of July 2008); The bill and explanatory notes were published in Government Bills – 343, dated the 11<sup>th</sup> of Kislev 5768 (21<sup>st</sup> of November 2007), page 230.

opinions and analyses in the various fields of intelligence, as needed and with the approval of the Prime Minister; situational assessments as stated, as well as assessments on the part of the security bodies over whom the Prime Minister is appointed, the Israel Defense Forces, the Ministry of Defense, the Foreign Ministry and the Ministry of Internal Security, shall be presented to the Prime Minister and shall be discussed in the Ministerial Committee on National Security Affairs, at least once per year, in the manner stated in Paragraph (2);

- (7) To prepare the council work for the Prime Minister prior to discussions on the Defense Budget, as well as any other Budget Section that the Minister of Defense, or anyone he has appointed for this, is the supervisor of, in the budget that the Foreign Minister is supervisor of, and in the budget of the security bodies over whom the Prime Minister is supervisor, including the formulation of alternatives, according to a reasoned order of priorities with an over-all view; In this law –

"The Budget Fundamentals Act" – the Budget Fundamentals Act, 5745 - 1985<sup>1</sup>;

"Budget Section" – as defined in the annual Budget Act, as defined in the Budget Fundamentals Act;

"Defense Budget" – as defined in Chapter 3 of the Budget Fundamentals Act;

- (8) To operate the Center for National Crisis Management in the Prime Minister's Office;
- (9) To assess the Security Concept of the State of Israel and to propose updates to it;
- (10) To assess security initiatives with importance in the diplomatic – security field and to present its position to the Prime Minister, the Ministerial Committee for National Security Affairs, or any other body upon which the Prime Minister shall decide, including the formulation of alternatives pursuant to reasoned orders of priorities with an over-all view, unless the Prime Minister shall instruct otherwise;
- (11) To carry out any other council role in Foreign and Security Affairs, and in other areas that the Prime Minister has determined;

(b) For the purpose of fulfilling its roles as stated in Section 2, the Head of the National Security council is permitted to hold hearings to which representatives of the security bodies over which the Prime Minister is responsible, the Israel Defense Forces, the Israel Police, and Government ministries related to the matter, holding a rank that the head of the National Security council shall decide upon, shall be invited; Anyone invited as stated must arrive for the hearing unless the Head of the council is convinced that this is not possible in the circumstances of the matter.

#### **The appointment of the Head of the National Security council**

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<sup>1</sup> Book of Laws, 5745, page 60.

3. (a) The Head of the National Security council shall be appointed by the Prime Minister with the approval of the Government; No obligation to hold a tender as per Section 19 of the Public Service Act (Appointments), 5719 - 1959<sup>2</sup> (hereinafter – the Appointments Law) shall apply.
- (b) Anyone for whom all of the following exist shall be qualified to serve as head of the National Security council:
  - (1) He is an Israeli citizen for the seven years preceding his appointment and an Israeli resident, and does not have additional citizenship that is not Israeli;
  - (2) He has the expertise, background and experience in fields related to foreign and security affairs of the State of Israel;
  - (3) He has not been convicted of a crime based on whose essence, severity or circumstances he is not fit to serve as Head of the National Security council;
  - (4) There is no indictment pending or existing against him for a crime that, in the opinion of the Attorney General, based on the essence, severity or circumstances of the crime he is not fit to serve as Head of the National Security council.
- (c) The Head of the National Security council shall be subject to the Prime Minister, and shall serve as National Security Advisor.

**Cessation of the term of the Head of the National Security council**

4. The term of the Head of the National Security council shall expire upon one of the following:
  - (1) He notifies the Government in writing of the cessation of his term;
  - (2) The Government decides, at the recommendation of the Prime Minister, that he is permanently unable to fulfill his role;
  - (3) The Prime Minister notifies the Head of the National Security council that he has decided to cancel his appointment; Such notification shall be given to the Government;
  - (4) An indictment has been filed against him due to a crime that, in the opinion of the Attorney General, based on the essence, severity or circumstances of the crime he is not fit to serve as Head of the National Security council.

**The Deputy Head of the National Security council**

5. (a) The Prime Minister, upon the recommendation of the Head of the National Security council, and with the approval of the Government, shall appoint a Deputy Head of National Security council; No obligation to hold a tender as per the Appointments Law shall apply to the appointment.
- (b) Anyone who is an Israeli citizen and Israeli resident is fit to serve as Deputy Head of the National Security council; The provisions of Sections 3(b)(2) to (4), with necessary changes, shall also apply to the terms of fitness of the Deputy Head of the National Security council.
- (c) The Deputy Head of the National Security council shall be subject to the Head of the National Security council, and shall serve as his replacement.

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<sup>2</sup> Book of laws 5719, page 86.

- (d) The term of office of the Deputy Head of the National Security council shall be five years, and shall be extendible for additional periods provided that he not serve more than ten years.
- (e) The provisions of sections 4(1), (2) and (4), with necessary changes, shall apply to the expiry of the term of the Deputy Head of the National Security council. The term of the Deputy Head of the National Security council shall also expire if the Prime Minister, upon the recommendation of the Head of the National Security council, notifies him that he has decided to cancel his appointment.

**Transfer of Information**

- 6. (a) Any information in foreign and security matters transferred for the review of the Prime Minister shall be transferred by the party who has also transferred the information for the review of the Head of the National Security council.
- (b) (1) The Head of the National Security council or anyone he has so authorized from among the employees of the National Security council is permitted to ask the Government Ministries and their authorized units, the Israel Defense Forces, the security bodies over whom the Prime Minister is responsible, and the Israel Police, for information, documents and reports (in this sub-Section – information), that is within the field of authority of that ministry or body, that he requires for the fulfillment of his job at the National Security council.
- (2) anyone asked to provide information as stated in Paragraph (1), shall provide the National Security council with the full information without delay; In the absence of agreement on the transfer of the information as stated, the dispute shall be brought for decision by the Prime Minister; Should the Israel Police not agree to provide the information pursuant to the request as stated in Paragraph (1), with the reason that the information concerns a matter under criminal investigation, the Prime Minister shall decide the dispute after the Attorney General has brought made his opinion known on the matter.
- (3) nformation as stated in Paragraph (2) shall be given to the National Security council, and shall be kept there in accordance with the security conditions and arrangements that shall be determined in the agreement of the Authorized Officer as determined in the Security Arrangements in Public Bodies Act, 5758 - 1998<sup>3</sup>, or as defined in Sections 21 and 21a of the stated law, as relevant, regarding the ministry or the body that has provided the information, and regarding the Israel Defense Forces, in accordance with the security conditions and arrangements that shall be determined in the agreement with the person authorized by the Chief of Staff of the Israel Defense Forces in

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<sup>3</sup> Book of Laws 5758, page 348.

this matter in the military ordinances as defined in the Military Jurisdiction Act, 5715 - 1955<sup>4</sup>.

- (4) Regarding review of the information, the Head of the National Security Council shall determine the limitations of distribution within the National Security Council, with the agreement of the body that has provided the information; In the absence of agreement regarding the review of the information, the dispute shall be brought for decision of the Prime Minister.
  - (5) Without derogating from the provisions of any law, an employee of the National Security Council, in the past or in the present, shall not give information that he has received as part of his job to anyone who is not authorized to receive it, unless lawfully required to do so.
- (c) The Prime Minister shall determine in ordinances or in rules, provisions that concern the transfer of information to the National Security Council regarding meetings, in foreign and security matters, of ministers or someone on their behalf with foreign parties, of the Chief of General Staff of the Israel Defense Forces and the heads of the security bodies over whom the Prime Minister is responsible or anyone on their behalf, with their parallels and of Israeli parties with foreign parties; In this law, "rules" – provisions in writing determined by the Prime Minister and which do not require publication in Reshumot or other public publication.

**Invitation of the Head of the National Security Council to meetings**

7. The Head of the National Security Council shall be invited, on a permanent basis, to any meeting of the Government, of the Ministerial Committee on National Security Affairs, and of other ministerial committees or other ministerial composition in foreign and security matters; The Head of the National Security Council shall also be invited, on a permanent basis, to any discussion of the Committee of Heads of the Secret Services.

**Other officers in the Prime Minister's Office – mutual relations with the National Security Council**

8. The Prime Minister shall determine guidelines regarding the manner of operations of the National Security Council within the Prime Minister's Office, including regarding the mutual relations between the Head of the National Security Council and other officers in the Prime Minister's Office; These guidelines do not require publication in Reshumot or other public publication.

**Authorization Unit**

9. (a) The National Security Council shall be an authorized unit within the Prime Minister's Office.
- (b) Notwithstanding that stated in the Appointments Law, the Prime Minister is permitted, after consulting with the Minister of Finance and with the Public Service Commissioner, to determine in ordinances or in rules, provisions other than those that apply in the public service regarding the organization and management of manpower in the National Security

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<sup>4</sup> Book of Laws 5715, page 171.

council, all subject to the provisions of the Budgetary Foundations Act, and to the provisions of the Annual Budget Law; Should such provisions be determined in rules, they shall be brought for the approval of the Knesset Foreign Affairs and Defense Committee.

**Budget**

10. The annual budget of the National Security council shall be determined in a separate Budget Section in the Annual Budget Law; The Supervisor of this Budget Section, regarding the stated law, shall be the Head of the National Security council.

**Keeping laws**

11. Nothing in the provisions of Sections 1 to 10 shall derogate from the authority granted to another pursuant to law or from the authority of the Institute for Intelligence and Special Operations and from the authority of the Atomic Energy Agency pursuant to law or administrative order.

**Performance and Ordinances**

12. The Prime Minister is Supervisor over the performance of this law, and he is permitted, with the approval of the Knesset Foreign Affairs and Defense Committee, to issue ordinances and rules, as relevant, regarding its performance.

**Amendment of the Government Act – Number 5**

13. In the Government Act, 5761 - 2001<sup>5</sup>, Section 7 – cancelled.

**Transfer provisions**

14. (a) The National Security Advisory Staff that was established and operated as the National Security Council pursuant to the provisions of Section 7 of the Government Act, 5761 – 2001, as formulated immediately prior to the commencement of this law, shall be viewed from the date of commencement of this law and onwards as the National Security council pursuant to Section 1, and all the roles and authorities pursuant to this law shall be given to it.
- (b) The person serving as head of the National Security Council in practice immediately prior to the commencement of this law shall be viewed as the head of the National Security council until the appointment of a Head of the National Security council pursuant to the provisions of Section 3.

Ehud Olmert  
Prime Minister

Shimon Peres

Dalia Itzik  
President of the State

Speaker of the Knesset

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<sup>5</sup> Book of Laws 5761, page 1780; 5767, page 142.