

## Subordination of IPBC Council to the Government:

### Another Step Toward Political Control of Public Broadcasting

This document addresses the proposed amendment to the Israeli Public Broadcasting Law (Method of Appointing IPBC Council-2025) submitted by Likud MK Osher Shekalim (hereinafter, "the bill").<sup>1</sup> The bill seeks to abolish the search committee stipulated in the Israeli Public Broadcasting Law-2014 (hereinafter, "the IPBC Law"), and replace it with a mechanism that subordinates the appointment of IPBC councilors directly to the Communications Minister and the government.

**Zulat opposes this arrangement, which aims to undermine the IPBC's independence and impose political control over the content of public broadcasting.** According to Supreme Court rulings, public broadcasting that is free from political and economic influences is essential to ensuring a genuine climate of freedom of expression. Therefore, subordinating the IPBC to the control of politicians will significantly harm freedom of expression and freedom of the press.

The bill purports to present the proposed arrangement as intended to allow the Council to resume its operations, claiming that it is currently unable to convene and fulfill its functions. However, this is a misrepresentation: not only is the Council not prevented from convening and performing its duties under the IPBC Law and possesses the necessary quorum to operate legally (as detailed later in this document), but the Communications Minister himself contributed to undermining the functioning of the search committee.

Furthermore, this is not an isolated initiative. It is part of a series of legislative proposals submitted by MKs as private bills but in practice promoted by the government, all seeking to weaken public broadcasting in Israel. This is done openly, as evidenced in repeated statements by Communications Minister Shlomo Karhi, who upon his appointment reiterated his view that

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# All references are in Hebrew.

<sup>1</sup> [Bill on Amendment of Israeli Public Broadcasting Law \(Method of Appointment of IPBC Council-2025\)](#), Knesset National Legislation Repository, 20 January 2025.

public broadcasting was "unnecessary"<sup>2</sup> and "inherently flawed"<sup>3</sup> and called for the IPBC's closure.

### **Abolishing Current Mechanism and Replacement with Political One**

The current law: The existing IPBC Law ensures the independence of the IPBC Council through an independent search committee headed by a retired judge appointed by the Communications Minister. This committee recommends candidates to the minister, who is obligated to appoint new councilors based solely on these recommendations. This mechanism is designed to ensure transparency and the Council's detachment from political influence.<sup>4</sup>

The proposed amendment: The bill seeks to abolish the search committee and instead stipulate that all IPBC councilors will be appointed by the government based on the Communications Minister's recommendation. The Council's composition and tenure of its members will be governed by Articles 7-9 of the Second Authority for Television and Radio Law-1990. The bill also stipulates that, in consultation with the Council's chair, the Minister will have the authority to dismiss a councilor who has been absent from three consecutive meetings or more than half the number of annual meetings,<sup>5</sup> and that the entire incumbent Council will cease to serve upon the appointment of a new Council.

### **Misrepresentation of IPBC Council's Performance**

The bill claims that the IPBC Council is short of members, and is therefore operating without proper oversight. It also alleges that unspecified factors prevent the minister from appointing new councilors, which is why a legislative solution is required.

As detailed below, this is a misrepresentation. The Council currently consists of seven members, as required by a Supreme Court interim order extending the terms of two councilors

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<sup>2</sup> Refaela Goichman, [Karhi Submits Bill on IPBC Privatization: 'There Should Be No Public Broadcasting'](#), *Haaretz*, 6 December 2022.

<sup>3</sup> Editorial Desk, [Karhi Declares War on IPBC: 'No Diversity, A Failure'](#), *ICE*, 9 January 2023.

<sup>4</sup> The creation and MO of the search committee is stipulated in Chapter 4 of the IPBC Law.

<sup>5</sup> It should be noted that a similar authority is already granted to the minister under Article 15(a)(4) of the existing law, and this proposal is likely based on an error.

until it rules on a petition or until the Communications Minister replaces them with two new ones.<sup>6</sup>

It is no coincidence that the bill ignores this Supreme Court ruling. Karhi himself stated that "this interim order was issued without authority and in contravention of the law.... Its implementation is constitutionally inconceivable because it severely violates the separation of powers and the foundations of democracy."<sup>7</sup> While such statements undoubtedly harm the integrity of democratic processes, they lack any legal basis, and the Supreme Court's ruling clearly remains the binding legal reality.

The misrepresentation in the bill also ignores the fact that the Minister himself contributed to the disruption of the search committee's work by naming retired judge Moshe Drori as its chairperson, an appointment that was subsequently annulled due to material procedural flaws. This held up the Council's work for two months until the Supreme Court ruled on the petition against Drori's appointment filed by Zulat, the Fair Regulation Movement, and the Association of Ethiopian Jews.<sup>8</sup> Drori resigned his post in the wake of the petition and after the Justice Ministry determined that the appointment process had been flawed.<sup>9</sup>

Since Drori's resignation, nothing has prevented Karhi from appointing another chairperson, nor from exercising his authority to choose an interim one from among the current councilors, which gives rise to concerns that he objects to all of them. This conduct suggests that the Communications Minister is deliberately creating a deadlock in order to seize political control over the IPBC and that the bill is an illegitimate effort to circumvent the ruling of the Supreme Court, which blocked previous attempts to take over the IPBC.

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<sup>6</sup> Supreme Court Petition HCJ 38966-10-24 Hatzlaha for the Advancement of a Fair Society v. Minister of Communication et al: As part of the petition, the court was requested to extend the terms of two councilors, Michal Rafaeli-Kaduri and Menachem Sasson, after their first term ended without the council having the required quorum and after the chairman of the search committee resigned, making it impossible to appoint new councilors. An interim order was issued on 6 January 2024, along with an order nisi instructing the Minister to show cause why he should not renew the terms of the two aforementioned councilors or, if he wishes to appoint other councilors instead, to explain why he won't appoint a search committee as soon as possible, and no later than three months after the resignation of the previous chairman.

<sup>7</sup> Karhi posted these remarks on X (formerly Twitter) on 6 January 2025.

<sup>8</sup> Adiel Eithan Mustaki, [Blow to Karhi: Moshe Drori Resigns as Chairman of IPBC Council](#), *Calcalist*, 27 November 2024.

<sup>9</sup> The tenure of councilors Rafaeli-Kaduri and Sasson ended on 19 November 2024. From that date until the Supreme Court issued the interim order, the Council could not convene to perform its duties as it lacked the required quorum.

### Undermining IPBC's Independence and Councilors Autonomy

The current mechanism is intended to ensure the Council's independence and minimize political influence over its activities. This objective is explicitly stated in the IPBC Law:

"It is proposed to appoint a search committee to ensure the independence of the Council. The committee will be chaired by a retired Supreme Court or District Court judge, and its role will be to identify and recommend candidate councilors to the minister."<sup>10</sup>

Safeguarding the Council's independence is crucial, given its numerous responsibilities, such as setting policy, approving budgets and broadcasting schedules, and appointing the IPBC's CEO.

The bill aims to eliminate the separation between the appointing echelon and the councilors, thereby granting the Communications Minister and the government absolute control over their selection. This means subordinating the IPBC and its Council to the political echelon, a move that is fundamentally flawed and contradicts the core purpose of the IPBC Law: to preserve the IPBC's independence from government intervention and political influences on its operations and programs.

It should be emphasized that concerns about infringement of the IPBC's independence are not hypothetical. Karhi has repeatedly stated his explicit intention to weaken the IPBC, including in an interview with **Makor Rishon** where he elaborated on his stance on the role and importance of public broadcasting:

"I don't think there should be public broadcasting, especially not for news and current affairs. Today, the IPBC's voice is identical to that of Channel 12 and Channel 13. I'm not talking about Israeli productions, which is something the state can certainly support, though there should be more diversity, more voices, and more representation for the periphery. But as far as news and current affairs are concerned, it should be privatized."<sup>11</sup>

And if that weren't enough, he went on to clarify his worldview regarding the need for political intervention in the content of the IPBC's broadcasts, such as the satirical program **The Jews Are Coming**, under the principle of "severe hurt to the feelings of a large segment of the Israeli public" and representation of "the diversity of opinions in Israeli society" (ignoring the clear

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<sup>10</sup> [Bill on Public Broadcasting Law-2014](#), Knesset National Legislation Repository, 25 May 2014.

<sup>11</sup> Shlomo Pyuterkovsky, [Minister Karhi: Some IPBC Programs Hurt People's Feelings](#), *Makor Rishon*, 19 September 2024.

contradiction between these two stated principles in the process):

"There are programs, like **The Jews Are Coming**, that severely hurt the feelings of a large segment of the Israeli public. If this were funded by private money, I wouldn't care: say whatever you want, as long as it remains within the bounds of freedom of expression. But here, the people who are hurt by the program are also those who fund it with public money. So, my first expectation from the new IPBC Council is to be diverse and represent the full range of opinions in Israeli society, as required by the law. And of course, the goal is for this to be reflected in the IPBC's programs."

These remarks would seem to clearly illustrate the significant threat that the proposed law poses to the independence of the IPBC, as well as the scope of influence and control that the political echelon seeks to exert over its operations and programs should the proposed legislative measures be enacted.

### Conclusion

The bill seeks to undermine the IPBC's autonomy by abolishing the independent appointment process for councilors and adopting a model where they are directly selected by the government. The importance of free and independent media in a democratic state cannot be overstated, as it is essential for safeguarding freedom of expression and freedom of the press. This is especially true for public broadcasting, whose primary importance lies in its ability to air news and current affairs programs.

**For these reasons, Zulat opposes the bill. If enacted, it will severely harm constitutional fundamental rights to freedom of expression and freedom of the press, and will damage Israel's democratic fabric. These injuries, which are coupled by real fear about political interference in the content of broadcasts, would be inflicted for the improper purpose of strengthening political control over the IPBC and public broadcasting as a whole. As such, the bill fails to meet the proportionality tests established in court rulings.**

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