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Senat Report No. 226 on Policy Issues Government Decision Making:

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How Accountable is Israel's Government?

The concept *accountability* captures, among its many meanings, the concepts of public responsibility, disclosure and transparency. At accountability's core is the idea that the responsibility and authority delegated to the government mandate performance according to predetermined standards for achievement of goals that promote the public interest. Accountability is usually interpreted as obligatory responsiveness to public needs and disclosure. (The source of the concept lies in the Greek word *euphyna*, which represents three basic ideas: rectitude, transparency, and participation). We should note that several years ago, the Academy of the Hebrew Language issued an approved translation of the concept: "responsible disclosure." This translation is deficient as it is restricted when compared to the broad scope of meanings encapsulated in the original English term. In any case, the concept has not been embraced by Hebrew speakers; as the following indicates, this response is revealing.

In practice, many governmental decisions are made by ministerial committees acting as arms of the government; this is the case because no sitting government is capable of dealing with the vast number of subjects placed on its agenda that demand some response. Committee composition is determined according to a minister's specific domain of responsibility although the government may choose to appoint a minister to sit on a committee for coalitional interests. Ministerial committee decisions are brought before members of the government and authorized as government decisions within two weeks from the date of the draft's distribution to the ministers unless a minister requests that the decision be amended, as stipulated in the Basic Law.

In effect, all members of the government share collective responsibility despite the considerable portion of government decisions made in ministerial committees. This situation is problematic because the majority of government ministers do not sit on committees whose substantive domains are related to their delegated responsibilities. They tend to be unfamiliar with the issues and have generally never taken a position on those issues.

Therefore, the majority of the government ministers are obligated to abide by government decisions reached during meetings where they did not participate. The mechanisms available for objecting decisions made in committees in which they did not participate are ineffective because decisions are laconically phrased, which prevents the adequate understanding necessary to express meaningful dissent or criticism.

The government's heavy burden and the limited time allotted to make or implement decisions preclude long-term strategic policy making; hence, the government's stance is almost consistently tactical. As a result, the ministers develop an over-dependence on the recommendations offered by the affected ministry (which is in effect an interested party). The accompanying information is usually superficial and limited in scope as well as devoid of realistic options. Exaggerated dependence on verbal statements is coupled with avoidance of written material; alternatively, no possibility exists to adequately prepare prior to crucial debates. As a result, the required associations between decisions are left unmade and inadequate attention is paid to historic and institutional relationships.

These defects are particularly glaring on security and military issues, with shortcomings appearing during the making of decisions. Thus, the government effectively adopts the positions stated by the experts — military officers, for example — brought to testify before the government. It does not receive the information, reports or advice needed for incisively criticizing the remarks made by the head of Military Intelligence or the Plans and Policy Directorate. This situation has become even graver with the recent dissolution of the Mossad's Research Department, a step that contradicts the basic principles of Israeli intelligence and Agranat Commission recommendations made in the wake of intelligence failures during the Yom Kippur War. Put briefly, the Commission recommended that the Government of Israel adopt a policy of pluralism in intelligence gathering and analysis, to be supported by independent research bodies, especially those maintained by the Mossad and the Foreign Ministry. This reform did not introduce greater efficiency but it did encourage wrestling with various evaluations of the state of intelligence.

In the US, contrary to Israel, total separation is maintained between the Central Intelligence Agency (CIA), the body responsible for provision of intelligence to the executive branch and to the president's at its head, and the Defence Intelligence Agency (DIA), a military intelligence-gathering organization. This structure makes it possible to question and criticize, and helps prevent blind acceptance of recommendations proposed by any one arm of intelligence.

Government decisions in the sphere of economics likewise display control exercised solely by one body: the Ministry of Finance. In practice, the Ministry's Budget Department is exclusively responsible for formation of the government budget. Along the way, it rarely examines alternative proposals. In addition, ministers are generally incapable of understanding, evaluating or analysing the state budget's details due to the inadequate time available and the superficial discussions held. Most detrimental is the budgeting system itself, which is characterized by budget items whose number is bloated far beyond what is commonly found in other Western states. This system creates a long and complicated budget wanting for transparency. The lack of transparency supports the interests of those responsible for the budget's construction because it guarantees that proposals will remain free of accurate or effective criticism by members of the government. Ministers have become pawns in the hands of Finance officials to the point where if a minister wants to contest the budget, he or she is threatened with the "ultimate" weapon, the stalled transfer of ministry funds. This ploy neutralizes any ministerial opposition. This mechanism is patently improper and demands correction, especially in light of the conflicts of interests that Ministry of Finance officials may face when planning their future in the job market in addition to the irrelevant or extraneous considerations that these conditions engender.

Since 1985, a special *Allocations Law* has been presented parallel to the annual *National Budget Law*. This law supplements substantive items related to economic programs and market efficiency, such as infrastructure reform, among others. Because each government decision represents just one in a vast pool of items, it is impossible to adequately discuss the issues covered by the *Accommodations Law*.

However, beyond the inadequacy of debate, government ministers vote for the *Law* globally, despite the dozens of items included. This requirement to vote just once prevents ministers from making targeted decisions, which might be expressed in a separate vote for each item.

Had the recommendations made by the Ministerial Committee for Coordination, Administration and Surveillance of the State, chaired by Minister Haim Ramon in 2000 been adopted, we might have seen reform of the budgeting process. The crux of its proposals pertained to dedication of more time to government review of the budgetary process — presentation of alternative allocations, definition of budgetary goals and objectives, revision of the *Accommodations Law's* content — such that the law might be delivered to the Knesset in abridged form, containing only the mandatory items.

Implementation of government decisions likewise deserves reform. The absence of follow-up induces a situation where many decisions are not implemented. Moreover, in retrospect, it appears that many decisions are passed with no intention of ever being implemented. Apparently, no precise differentiation exists symbolic decisions, whose meaning lies essentially in their being made, and decisions meant to be executed in full.

It is nonetheless surprising that despite all these defects, government procedures do provide the foundations for systematic and orderly decision-making. For instance, written information about proposed additions to the agenda must be transmitted prior to any meeting. The procedures also deal with the government secretary's supervision of government decisions, and dictate rules for conducting follow-up of implementation. Follow-up of ministerial performance is to be performed every two months; this stipulation includes requests for written reports regarding implementation of decisions touching upon the respective ministries.

The 1989 Kubersky Committee, a public and professional committee mandated to perform a comprehensive review of the civil service and semi-government corporations, recommended institution of *strategic discussion making*. Such discussions, during which substantive issues would be explored in-depth with the participation of the entire government, were thought to be helpful. The committee also proposed, among other things, distribution of *policy papers* after each session that would summarize the positions taken by the government as a means to facilitate further discussion in the Knesset. It also suggested formats for the presentation of tested alternatives to each proposed decision as well as the holding of in-depth discussions on national issues based on national priorities and the appropriate background material.

For the sake of comparison, we should mention that the White House maintains a permanent team to advise the President in every area of his responsibility. Among the team's duties is the formulation of realistic alternatives; the President is then free to choose the option that he considers best. In the United Kingdom as well a small staff team invites professionals from diverse areas to testify before it when necessary. Prior to making every significant decision, the team presents several alternatives to the Prime Minister.

In Israel as well, it would be advisable to reform governmental decision making as a means to promote public accountability. As a first step, the activities of the Director Generals Forum might be institutionalised, so that this body can perform as a permanent professional body prepared to accompany the full range of government activities.