



Empowering Israeli Diplomacy through Legislation: Promoting a Foreign Service Bill

Summary of a workshop convened by Mitvim – The Israeli Institute for Regional Foreign Policies and the Israeli Association for Diplomacy, on 29 July 2015 at the Israeli Ministry of Foreign Affairs in Jerusalem

On 29 July 2015, the [Mitvim Institute](#) and the Israeli Association for Diplomacy jointly convened an expert-workshop to discuss the opportunities offered by the Foreign Service bill recently tabled before the Knesset as a pathway towards strengthening Israel's diplomatic corps and Israeli diplomacy. The workshop took place at the Israeli Ministry of Foreign Affairs (MFA) in Jerusalem and was attended by over 30 former and current Israeli diplomats, former Members of Knesset (MKs), and researchers from the Mitvim Institute and elsewhere.

The Israeli Foreign Service is in a state of crisis, a situation that has only exacerbated in recent months due to the syphoning off of some of the MFA's key areas of responsibility to other government ministries as part of an attempt to maintain the stability of the current coalition government. Empowering Israeli diplomacy will require changes within the Israeli Foreign Service itself as well as changing the ways in which foreign policy is formulated and implemented. One of the tools that can be used to establish and protect the status of the foreign ministry is legislation. This tool has been used both with respect to other central government apparatuses in Israel and with foreign ministries in other countries. Over the years, a number of bills attempting to accomplish this goal have been put before the Knesset. However, none of these have ever come to fruition.

With a new such bill currently before the 20th Knesset, the workshop focused on the following questions: Does Israel indeed require a Foreign Service bill? What has been done to date to advance this issue and why have previous legislative efforts failed to produce a desirable outcome? What tools, other than legislation, can prove useful in empowering Israel's diplomatic corps? This document summarizes the key points that were raised during the workshop.¹

¹ The workshop was carried out under the Chatham House rule and this summary, prepared by Dr. Nimrod Goren of the Mitvim Institute, conveys positions voiced during the workshop. However, it does not reflect the

A. The Weakness of Israel's Foreign Service

1. Weakness Vis-à-Vis the Political System

The Israeli MFA and Foreign Service are in crisis. They are facing complete and utter organizational collapse; the situation is continuously getting worse and it is not by chance. Recent governments, only to have been exacerbated under Prime Minister Netanyahu, have had a vested interest in having a weak foreign ministry. The ministry's sorry state of affairs manifests itself in a variety of ways:

Absence of Leadership and Support: Currently, Israel does not have a full-time foreign minister. This results in the fact that important political and diplomatic initiatives are planned and carried out without the knowledge of the MFA. Moreover, the dearth of politicians and public officials who have placed the rehabilitation of the foreign ministry at the top of their agenda translates into a lackluster struggle to allow the ministry to reclaim its rightful place. Israel's diplomats, especially those who are serving overseas, feel that they have been abandoned.

Stripping the MFA of its Responsibilities: In addition to the absence of a foreign minister, there is an ever-growing number of ministers whose portfolios include issues areas that are traditionally under the purview of the foreign ministry. The continuous stripping of the ministry's responsibilities may become more severe if Minister Gilad Erdan is able to pass a governmental proposed resolution that will give the Ministry of Strategic Affairs under his leadership jurisdiction over Israel's public diplomacy efforts, as well as the struggle against Israel's de-legitimization and global Boycott, Divestment and Sanctions (BDS) efforts. Erdan is demanding that his ministry be allocated funds in the sum of NIS 130 million, which exceeds the budget allocated to the foreign ministry to address these challenges.

Budgetary and Manpower Challenges: The salaries and benefits to which diplomats are entitled have been drastically cut in recent years. As the debate over the next budget heats up there are demands to further limit the ministry's financial resources. Under these conditions, it is increasingly difficult to attract and maintain a cadre of high quality diplomats as can be seen by the fact that there is an increasing number of young diplomats who resign after only a few years of service. This phenomenon is relatively recent and must be stopped.

The aforementioned trends have grave consequences. The diplomatic arena holds the key to success or failure in addressing every military and civilian challenge that Israel faces on the international stage. The MFA should be the leading body in addressing these issues but it is not given the mandate to do so, translating into harmful consequences for Israel's national security.

positions of either the Mitvim Institute or the Israeli Association for Diplomacy. Nor does it in its entirety or in specific elements reflect a consensus of all or some of the workshop's participants.

2. Weakness Vis-à-Vis the Defense Establishment

A long-standing and central reason for the weakness of the Israeli MFA is the dominance of the defense establishment and its overpowering influence over Israel's diplomatic echelon. Indeed, it is military and security personnel, rather than diplomats, who dictate the tone in all matters pertaining to Israel's foreign policy. The defense establishment has gotten stronger over the years and, in recognition of its importance, it has been lavished with funds, high quality personnel and ever-growing political and popular support. The Foreign Service does not enjoy the same standing, which in turn manifests itself in the financial and human resource challenges mentioned above. As a result, it becomes easy for decision-makers to use the institutional force and capabilities of the defense establishment and to apply them to areas that do not fall within its traditional jurisdiction but rather within that of the foreign ministry.

Israel's Foreign Service plays a secondary role to that of the country's defense establishment. Its positions on regional and international developments are not taken with the seriousness they deserve, at least not until they are repeated and reinforced by military officials. Furthermore, foreign ministry officials are often not invited to brief government officials. This is true especially when compared to the frequency of briefings given by their counterparts in the Israel Defense Forces (IDF), the Israel Security Agency (ISA), and the Mossad. The National Security Council (NSC) plays a pivotal role in setting the national security agenda and determining who briefs the government. The NSC is not staffed by many foreign ministry officials, and this can be seen in the decisions it makes.

Diplomats are also often treated negatively by their colleagues in the security establishment, who often see the ministry as a service provider at best and a nuisance at worse. Conversely, while posted overseas, security officials are very appreciative of the diplomats and the role they play.

Foreign Service officials seem incapable of preventing the loss of their responsibilities to the defense establishment, and at times it seems as if they actually enable it. The IDF and other security organizations conduct themselves aggressively and it is incumbent upon the foreign ministry to identify and use any leverage it has over its sister organizations in an attempt to assert itself more forcefully. There are those within the ministry who argue for less information sharing with other government bodies until a time when a shift in the balance of power between the diplomats and security professionals occurs.

The outlier in terms of issues on which the MFA cannot legally be bypassed is the oversight of defense exports. The Defense Export Control Law, which came into effect in 2008, gives the ministry legal standing in this regard and requires that defense exports be approved by the MFA. And yet, defense officials still find creative ways to bypass the ministry here, too.

Finally, parliamentary oversight of matters of foreign affairs and defense policy is also severely lacking. The Knesset's Foreign Affairs and Defense Committee, which theoretically should devote equal time and attention to both foreign and defense affairs in practice devotes over 90% of its time to defense issues and almost completely neglects the realm of foreign policy. This situation is highly problematic. Past experience indicates that any attempt to split the committee into two – creating a situation in which one committee would deal with defense issues and the other would tackle foreign policy – is likely to fail due to a desire to maintain the status quo.

B. Empowering Israeli Diplomacy Through Legislation

1. Legislation as Part of the Solution

The weakness of Israel's Foreign Service is not a unique phenomenon, although the current conditions in this country significantly exacerbate the situation. However, a majority of developed countries have chosen to remedy this situation through legislation that regulates the standing of their foreign ministries and enshrines its role and responsibilities in law. The United States Congress, for example, passed the [Foreign Service Act](#) in 1980.

In Israel, too, the standing of certain national security organizations has been enshrined in law. Two examples of this are the Israel Security Agency bill (2002) and the National Security Council bill (2008). The latter strengthened the NSC significantly, helping it change course and become a powerful entity in the foreign and defense policy apparatus and, taken as a case study, illustrates the potential impact of an Israeli Foreign Service bill.

The Foreign Service bill is a means by which the further deterioration of the MFA can be stopped, and the beginning of a process through which it can return to being a leading national body. However, legislation is not enough to resolve the myriad of challenges that the Foreign Service faces, also in light of the fact that, in Israel, many laws are not properly implemented.

2. Previous Legislative Attempts

A number of bills pertaining to the Israeli Foreign Service have been tabled since the idea was first discussed in 1958. However, these efforts never fully materialized and proposals were set aside again and again. In 1975, a proposal was put before Foreign Minister Yigal Allon; in the late 1990s Yossi Beilin put forth his own bill; in the early 2000s, former MK Colette Avital did the same on two occasions. In 2014, Dr. MK Ronen Hoffman tabled the Foreign and Public Diplomacy Service bill, which was co-sponsored by 13 MKs from both the coalition and the opposition, and in June 2015 the bill was resubmitted by MK Ofer Shelah together with four additional MKs, only one of whom (Dr. Michael

Oren) is from the coalition. Apart from this parliamentary activity, the MFA's Policy Planning Bureau put together its own version of a Foreign Service bill.

As for the two bills tabled by former MK Colette Avital, opposition to her first proposal came predominantly from the Ministry of Justice, which opposed the suggested separate ranking, promotional track and benefits programs for Foreign Service officers outlined in the bill. Her second proposal attempted to establish that the MFA was to be officially responsible for formulating Israeli foreign policy and set a limit on the number of diplomatic positions that could be filled by political appointees, spreading them over all continents (not limiting them to the "popular" destinations). The latter element was based on the premise that political appointments always have been and always will be (particularly because they are a fixture in agreements between the MFA and the diplomats' union). Therefore, the "damage" of these appointments should be mitigated as much as possible. Despite these efforts, opposition came from the diplomats' union, which was unwilling to set in stone the right to make political appointments.

This was not the first time the MFA itself opposed a proposal for a Foreign Service bill. Over the years, the ministry blocked a number of legislative initiatives, not because it saw the issue as unimportant, but because it was concerned about the potential consequences. The primary concern was that legislation would enshrine the existing problems in law, making them permanent fixtures of the Israeli foreign policy apparatus.

MK Hoffman tabled his Foreign Service and Public Diplomacy bill during the 19th Knesset. At the time he chaired the Foreign Affairs and Public Diplomacy Subcommittee of the Knesset's Foreign Affairs and Defense Committee. Initially, the bill was broad and comprehensive. However, in an attempt to make it more palatable politically, Hoffman decided to narrow the language of the bill and in the end it differed from previous Foreign Service bills tabled before the Knesset. It was far more basic and its intent was merely to lay the foundations for the more sweeping change that Hoffman and others hoped would follow in the future.

3. What Should the Foreign Service Bill Contain?

A number of speakers during the workshop voiced their desire to see a basic, narrowly defined bill become law. These individuals argued that the more detailed the bill, the greater the opposition to it and the greater the likelihood of someone preventing its passage. Therefore, any bill on this subject should focus on the most important elements and take an approach that is similar to that which informed the creation and passing of the ISA law.

Accordingly, the Foreign Service bill should define the mission of the MFA, clearly state its powers and responsibilities and enshrine its place in the decision-making process on matters of foreign and defense policy. The law should establish that the ministry is the governmental entity charged with formulating

and coordinating the execution of Israel's foreign policy and that its diplomats should be equal partners in decision-making processes rather than being limited to providing reports and analyses.

Any law should emphasize the importance of having a full-time foreign minister and clearly spell out the relationships between the MFA and the other government entities involved in foreign policy formulation. Clearly, the MFA deals with issues that fall within the area of other government ministries. It is necessary to define which issues are the sole purview of the MFA and on which the ministry should only have a consultative role vis-à-vis other ministries. A clear delineation of responsibilities such as this would help ensure that superfluous ministries were closed, that the taxpayer's money would not be wasted and that other ministries would not actively disrupt the work of the foreign ministry.

A Foreign Service law should also address the standing, rights and responsibilities of the diplomats themselves. Today, a diplomat's promotion is largely dependent upon the whims and desires of politicians. As a result, the reports and proposals they submit are often influenced by a desire to curry favor with their superiors. Additionally, politicians at times want diplomats to provide recommendations that support specific political agendas. A Foreign Service bill must remedy this and enable diplomats to truly be free to express their views, creating an atmosphere within the MFA that allows and encourages diverse opinions and policy recommendations.

Israeli diplomats should take initiative and present to the national leadership a variety of policy alternatives. They should not wait until they are asked to do so. It is their duty and a Foreign Service bill should require it. This is the reality in the defense establishment and is, in fact, one of its greatest assets. The same should apply to the Foreign Service.

4. What is the Likelihood of the Passing of the Legislation?

The general opinion of those at the workshop was that the likelihood of such a bill passing in the 20th Knesset is unclear. Indeed, the law is meant to remedy the situation created by the current government – i.e. stripping the MFA of many of its responsibilities in order to guarantee the stability of the current coalition. Therefore, it is unlikely that the current leadership will suddenly decide to strengthen the MFA and fix the distortions that it has created with its own two hands. On the other hand, there is far more public awareness of this subject and progress can potentially be made.

The current version of the Foreign Service bill, which was tabled by MK Shelah, currently has only one co-sponsor from within the ruling coalition. This might cause the bill to falter quite early in the legislative process. Additional MKs from within the coalition must be convinced to support the bill and to take advantage of the fact that the current coalition is the narrowest possible (61 MKs), which allows for legislative surprises. Nevertheless, irrespective of the identities of the

co-sponsors of various proposed bills, as long as the MFA is so weak and lacks a key ally in the political arena, advancing such legislation will be difficult.

5. How can the Legislation be Advanced?

One of the key impediments to passing a Foreign Service bill is the opposition of the defense establishment. A public diplomacy campaign targeting defense officials is necessary in order to explain the importance of such a bill and also to outline what the defense establishment stands to gain from a stronger MFA. It would be wise to use terminology that the defense establishment is familiar with and to recruit former security and defense officials to make this case publicly and privately. One example is Major General (Ret.) Matan Vilnai, who is currently serving as Israel's Ambassador to China and who has become a vocal proponent of the need to strengthen the Foreign Service.

It is necessary to win over the leadership of the defense establishment through tireless, painstaking work in order to change the way in which it sees the foreign ministry. Taking a confrontational approach is unlikely to bring about a desirable outcome. Israeli diplomats should open up to their defense establishment colleagues, work with them and even accept some of their preconditions, (especially due to their power and influence in the governmental system). Key individuals including the National Security Advisor, the Head of the Political-Defense wing in the Ministry of Defense, and the heads of Military Intelligence and the Strategic Planning Division in the IDF should be approached and convinced of the merits of empowering Israeli diplomacy. These people cannot be bypassed and if they can be convinced to come on board (or at least not oppose such an effort) the chances of passing such legislation increase exponentially. The official position of the defense establishment on this issue will carry significant weight with many politicians.

Additionally, a public relations campaign in the public domain should be launched to advocate for a Foreign Service bill. This effort should resemble lobbying campaigns undertaken by large commercial organizations. To this end, the support of academics, the media, big business, and former politicians should be garnered and cooperation with foreign policy (rather than defense) think tanks should be deepened. It would be well-advised to establish a working group under MFA leadership that would include representatives of the aforementioned sectors. This group, which will be well-positioned to understand and navigate between the political, policy and business worlds, would shepherd the bill through the legislative process.

C. Empowering Israeli Diplomacy in the Absence of Legislation

Despite the importance of a Foreign Service bill, it would be naïve to expect that such a law has the capacity to solve all of the MFA's current woes. Not everything can and should be solved through legislation. Additionally, due to the

fact that the empowering of Israel's diplomatic corps becomes more acute over time, it may be impossible to wait until the political climate is ripe for the passing of such a bill. Certain steps that would be part of a comprehensive restructuring and reorganization must be taken immediately. A number of possible measures were raised in the workshop, including:

1. Preventing Additional Budget Cuts

The MFA must fight whole-heartedly against any future attempt to further cut its budget. These may arise during the upcoming budget negotiations. Today, there is only limited opposition to such attempts and the ministry lacks the power to prevent them.

2. Formulating a Coherent Israeli Foreign Policy Paradigm

Israel currently lacks a clear paradigm based on which it formulates and executes its foreign policy. Beyond setting annual goals and creating periodic working plans, there is a need for the creation of a long-term, coherent framework that will outline goals, objectives and guiding principles that will serve as a roadmap for Israel's behavior in the international arena.

3. Mapping MFA Challenges and Failures, and Proposing Solutions

Following the signing of the nuclear agreement between the P5+1 and Iran, there are those in the Israeli political system who are demanding that a National Commission of Inquiry be formed to look into the sorry state of Israel's Foreign Service and the reasons that its diplomatic efforts failed to impact the course of events. Even though such a committee is not likely to be created in the immediate future, such a development could occur under different circumstances in the future. In any event, there is room to prepare a comprehensive document outlining the challenges faced by the MFA and offering the necessary recommendations to remedy them and empower the Israeli Foreign Service.

4. Establishing Advisory Mechanisms for the Foreign Minister

In the past the MFA had a closed forum called "The Minister's Forum," in which the MFA's senior management met regularly with the Foreign Minister. In this setting, far from the prying eyes and ears of the media, diplomats could voice opinions – unpopular as they may be – and had the capacity to influence the minister. Today, in the absence of a minister, this forum does not exist. However, it should be revived in one form or another.

An additional mechanism that could be used is the mimicking of the [Foreign Affairs Policy Board](#) (FAPB) that was established by Hillary Clinton in 2011 during her tenure as Secretary of State. This body, consisting of up to 25 external experts (including academics, think tank representatives and former

administration officials), serves as a consultative group that enjoys access to and influence over the Secretary of State. The Policy Board allows for the Secretary to hear diverse opinions and ideas that come from outside the administration and even the Beltway.

5. Focusing on Policy Rather than Public Diplomacy

Foreign Ministry officials seem to have grown accustomed to the corner they have been put into by the government and the defense establishment and let their work focus more on appearances and public diplomacy rather than on policy and substance. Diplomats must play a part in solving the problems that Israeli society is confronting and not simply conceal them by painting Israel in positive colors. They should have the courage of their convictions and the ability to speak their truth to their superiors without fear of retribution or of the advancement of their career being jeopardized. Finally, they should also work to change the perception of public diplomacy in such a way that shifts it from being based less on propaganda and explaining (*Hasbara*) and more on constructive dialogue and engagement with various international players.

6. Relating to the Jewish Diaspora in a New Way

Some in the workshop were of the opinion that the Jewish Diaspora is perceived primarily through an instrumental lens by the Israeli establishment. The MFA sees Jewish communities abroad mainly as potential lobbyists to advance the Israeli government's agenda; the Ministry of Immigration Absorption sees them as potential immigrants; and many others see them as a potential source of philanthropy. The Foreign Service should see world Jewry as partners, regardless of their political beliefs and without differentiation between the different branches of Judaism.

7. Strengthening the Foreign Policy Discourse in the Knesset

The MFA's weakness is also evident in the level of the discourse on matters of foreign policy in the Knesset. Often times, ministers and MKs comment publicly on issues regarding which they are not knowledgeable enough. One possible remedy to this situation is to attempt once again to split the Foreign Affairs and Defense Committee into two separate committees, creating a situation in which one will focus exclusively on foreign policy. Additionally, it would be desirable that Foreign Service alumni would be elected to serve as Members of Knesset. Over the years, there have been only a few MKs who fulfilled this criteria, a fact that is detrimental to the efforts and needs of the Foreign Service and to raising the level of political discourse on matters of foreign policy.