

# **The National Security Staff: Will the New Law Bring About Change?**

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In July 2008 the Knesset passed the National Security Staff Law, which formalizes legally the status of the National Security Council (NSC) as the staff body of the prime minister and the government for national security affairs. This entailed a name change, from the National Security Council to the National Security Staff (NSS). The law, it was explained, “will make it possible to afford the decision making processes in the area of national security the normative standing it deserves.” MK Amira Dotan, one of the initiators of the law, said: “The National Security Staff will improve the decision making processes on foreign and security issues beyond measure, and will comprise a considerable strategic change in Israel.” This essay considers if and how the high hopes for the law can be realized.

## **“Supremacy of Strategic Thinking” and the National Security Staff**

Since the establishment of the State of Israel, national security and decision making processes have been central on Israel’s public agenda. National security is greatly dependent on quality decision making. To this end, an ability to create optimum solutions for security and political challenges is required, such as capitalizing on opportunities for peace, avoiding unnecessary wars, establishing solid deterrence, and planning efficient force measures. Such an achievement or output will be called here “supremacy of strategic thinking.” For example, one may say that a country that is good at finding efficient strategic solutions enjoys

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“supremacy of strategic thinking” over other countries in its strategic surroundings.

One example of “supremacy of strategic thinking” is the Manhattan Project, when the United States pooled its best scientists in order to achieve nuclear supremacy over its rivals towards the end of World War II. Another example is the missile crisis between the United States and the Soviet Union in October 1962. Intelligent management of the crisis by President John Kennedy and his staff prevented the stationing of Soviet nuclear missiles in Cuba, prevented the Cold War from turning into a “hot war,” and gave the United States a significant advantage on the inter-bloc arena.

Since its establishment, the State of Israel has achieved supremacy of strategic thinking in technological-security areas, but has performed less well in political areas. Israel has repeatedly misread the political map, not only due to intelligence failures (such as the surprise of the Yom Kippur War) but also due to the difficulty of analyzing the situation and understanding the patterns, constraints, limits of force, and room for maneuver at its disposal. Examples include<sup>1</sup> inadequate planning of Jewish settlement of the territories since 1967 while ignoring demographic and political constraints; becoming mired in Lebanon in 1982; not reading the political map in the 1987 intifada; unsuccessful handling of negotiations with the Palestinians from the Oslo process until now; unrealistic expectations of the disengagement plan from Gaza; the convergence plan for the West Bank, which was detached from the strategic and internal situation in Israel; poor handling of the Second Lebanon War; and others. Likewise in the area of political initiatives, Israel often did not make the most of opportunities and was generally on the receiving end (e.g., the Sadat initiative in 1977). Israel’s inability to capitalize on impressive military successes for political ends (e.g., the crushing victory of the Six Day War, the end of the Yom Kippur War, the First Lebanon War, Operation Defensive Shield, and others) has also been sorely lacking.

To be sure, Israel’s leaders also took some dramatic decisions that were highly beneficial to state interests, including the decision by the Ben Gurion government to declare the State of Israel; the decision by the Eshkol government to launch the 1967 Moked operation (the preemptive strike on the Arab states’ air forces at the opening of the Six

Day War, which gave Israel air supremacy); the decisions by the Begin government to withdraw from Sinai in return for peace with Egypt in 1979 and to bomb the nuclear reactor in Iraq in 1981; and the decision by the Olmert government (according to foreign sources) to attack the Syrian reactor in 2007. While security decisions were generally made by the government after in-depth consultation with the professional state bodies, this was not the case with most decisions of major political significance.

Achieving “supremacy of strategic thinking” is contingent on “state intelligence,” in other words, the individual and collective abilities of the political leadership; the quality of the institutional centers of expertise (the intelligence services, planning bodies, leadership advisors) and relevant academic research bodies; and the methodologies of sharing knowledge and holding effective strategic discussion between all these elements, which will consider the collective knowledge and extract from it what is relevant for decision making. There are staff bodies or professional coordinating bodies for this purpose. In the security field Israel’s defense establishment has strong mechanisms, but this is not the case in the political arena.

### **Establishment of the National Security Council**

This need to reap the utmost from “state intelligence” lay at the basis of the March 1999 Government Resolution 4889 to establish the National Security Council. In accordance with the government decision, the NSC was designed to serve as a staff forum for the prime minister and for the government in the area of national security. Following this decision the National Security Council, headed by Gen. (ret.) David Ivri, was established.

Since its establishment the NSC has dealt with a range of national security-related topics, including the disengagement plan; the Jerusalem envelope; a program that addresses the problems of the Bedouin population of the Negev; proposals for implementing the Tal Law to recruit ultra-Orthodox men to the IDF; position papers, and others. The NSC includes the foreign policy division, the security policy division, the strategic issues division, and the counter terrorism bureau. The division heads are deputies of the NSC head; they are joined by the deputy NSC director for organization, economic advisor, legal advisor,

and senior advisor to the NSC head. According to the NSC website: "The divisions work in close collaboration with numerous government ministries, such as the Foreign Ministry, Ministry of Defense, Ministry of Industry and Trade, Ministry of Justice, Ministry of Public Security and more. In addition, division employees work in collaboration with the security organizations and the intelligence community, as well as with academics and experts in a wide variety of fields in Israel and abroad."<sup>2</sup>

The achievements of the NSC since its establishment have fallen far short of expectations. In his report for August 2005-April 2006, the state comptroller said that the NSC does not fulfill its role. According to the report, the prime ministers did not involve the NSC in decision making processes on major security matters, such as the decision to withdraw from Lebanon, the disengagement, the multi-year program for the IDF, the defense budgets, large security projects, and so on. The comptroller wrote, "As of the end of the period reviewed, April 2006, the staff bodies of the defense establishment are still the dominant factor in the decision making process while the National Security Council generally does not serve as the prime minister's staff forum alongside the defense establishment bodies, and does not bear suitable and significant weight as an objective element operating on behalf of the prime minister and the government. This state of affairs fundamentally impinges on the ability of the NSC to fulfill its defined role."<sup>3</sup>

A no less gloomy picture was presented by the Winograd Commission, which examined the government's decision making processes prior to and during the Second Lebanon War. The committee's reports indicate that inter alia, the political-security cabinet discussions proceeded without any examination of various alternative programs or an examination of their implications. Following the committee's findings, the government established a steering team under the leadership of Lt. Gen. (ret.) Amnon Lipkin-Shahak to implement the conclusions of the Winograd Commission, which recommended strengthening the NSC as support for the government and the prime minister to take sound decisions.

## The National Security Staff Law

According to the NSS Law, passed by the Knesset in July 2008, the NSS is to be responsible *inter alia* for heading the staff work of the government and ministerial committees for security issues, preparing government deliberations, presenting various political alternatives and their implications, monitoring the implementation of government decisions in the political-security field, preparing annual and multi-year assessments of the political-security situation, examining the security concept, and examining the Ministries of Defense and Foreign Affairs budgets. In addition, the NSS will operate a center for managing national crises.

The principal additional articles in the law stipulate that: the head of the NSS is subordinate to the prime minister and serves as the national security advisor; the NSS will be part of the Prime Minister's Office in Jerusalem; and the prime minister will himself operate and oversee the NSS. The head of the NSS is authorized to hold deliberations and invite representatives of security bodies for which the prime minister is responsible, as well as representatives of the IDF, the police, and related government offices. Participation of those called to these meetings is mandatory, unless the NSS head is convinced that it is not possible.

## Was the NSS Law Necessary?

The principal claim of this essay is that the weakness of the NSC was not caused by the lack of legislation, and therefore the new law is not sufficient to generate genuine change in this situation. The argument is twofold: first, there was no lack of a formal anchor for the NSC before the new law was passed, and second, other important factors account for the status of NSC over the years.

Prior to the legislation there were already formal anchors in place for the performance of the NSC. For example: clause 7 of the 2001 Government Law stipulates that "the government will have a team, to be established by the prime minister, to provide regular professional advice in the areas of national security; the prime minister may entrust the team with additional areas of advice." Government Resolution 2438 from October 14, 2007 defined the designation, roles, and modes of operation of the National Security Council;<sup>4</sup> while the NSS law is

far more extensive and detailed than this resolution, it is based on its principles. It does not offer much added value with regard to the NSS's principal roles and mode of operation, or a solution for most of the constraints that blocked the development of the NSC. Certainly any additions stipulated by the law could have been included in an updated government resolution. Likewise according to the 2006 State Comptroller's report, written two years before the NSS Law was passed, the problem in NSC performance lay not in the absence of a law but in the implementation of the existing legislation and the provisions. The comptroller determined that "there is a substantial and deep discrepancy between the legal framework that defines the operation of the NSC and the reality in which it operates." It also indicated a lack of compatibility between government resolutions and the decisions of the prime ministers themselves with regard to the need for the NSC and their actions, which led directly to an inherent handicap in the NSC's ability as it was formed and used.

Thus it remains unclear why the government needed new legislation and did not ensure implementation of its previous decisions regarding the NSC, nor why instead of closing the gap between the existing legal framework and provisions and the actual situation, most of the energy was channeled specifically into legislating a new law. This makes it difficult not to conclude that legislating a new law was generated more by the wish to demonstrate action – including in the wake of the findings of the government-appointed Winograd Commission – than by recognition of the importance of this body.

### **Inadequate Development of the NSC**

The first possible reason for the NSC's weak status is the lack of interest demonstrated by past prime ministers in developing the NSC. They had no difficulty at all in employing political advisors, assistants, and staff heads, when they so wished. Had they been interested, the NSC would have become responsible for preparing government deliberations and obliging all the relevant parties to act through it. In that case, there would have been no need for the new law.

One of the main reasons for the reluctance by prime ministers to use the NSC relates to the NSC's two dimensions. There is a possible conflict of interest between the role of the NSC head as a national

security advisor to the government, responsible for devising the strategic situation assessment, and his role as a private advisor to the prime minister. For example, the prime minister may be reluctant to share secret political information with the head of the NSC that he wants to keep hidden from his political rivals or even members of the government, if he knows the NSC head is invited to report to the government or the Knesset Foreign Affairs and Defense Committee. In addition, there may be a discrepancy between the political option that the prime minister wants to advance that suits his political view and the strategic analysis of the NSC's experts and the positions of the other government ministers.

A second reason for the NSC's situation is the system of government in Israel. The prime minister has considerable authority, but with regard to all aspects of decision making in the government, he is the first among equals. In other words, his vote does not bear any more weight and he must fight to persuade the ministers to accept his view. This differs from the situation in the United States where the president is the decision maker. In addition, in the United States the president heads the national security establishment (he is also commander in chief of the armed forces), while in Israel the government as a whole is responsible for this area (the minister of defense is the government representative responsible for the military). The prime minister's responsibility and roles in the area of national security are not clear, although the vagueness in this area decreases in cases when the prime minister is also the minister of defense (for example, David Ben Gurion, Yitzhak Rabin, and Ehud Barak), and increases when the minister of defense comes from a different party in the coalition (as during the term of Ehud Olmert).

A third reason is the NSC's difficulty in competing with other bodies – the defense establishment and other senior officials in the Prime Minister's Office who are engaged in the political-defense arena. In this rivalry, the NSC found itself in an inferior position in view of the clear supremacy of the defense establishment in the defense decision making processes, and the difficulty in competing with the prime minister's military secretary, advisors, and staff heads who helped the prime ministers attain office. The prime ministers did not cultivate the NSC, either because of the possible tenuousness of their political position or

because they did not want to confront the defense establishment and heads of the secret services answerable to them.

A fourth reason is the administrative culture in Israel, characterized by ill-defined roles and insufficiently organized staff work. Instead there are “kitchenettes,” improvisation, “putting out fires,” and unsubstantial coordination between the decision makers. The State Comptroller’s report from September 2006 indicates that the “kitchenettes” were one of the reasons for the lack of evolution of the NSC. According to the report over the years the prime ministers of Israel generally preferred an intimate forum of their own for making decisions over the operation of a special body, which would be responsible for preparing orderly staff work for the purpose of making decisions.

In addition, a lack of persistent internal effort in the NSC to develop and preserve strategic expertise influenced the stature of the NSC. Over the years, the NSC did not develop a sustainable infrastructure of research and staff personnel (other than the counter terrorism staff), partly because of the high frequency of personnel changes at the head of the NSC, their different perceptions with regard to the designation of this body, bureaucratic constraints on the use of outside specialists, and other reasons. As such, the heads of the NSC, who came from security bodies well endowed with professional experts, found themselves without sufficient professional support. Had the NSC built itself as a body that generates strategic ideas it is quite possible that it would have positioned itself as an influential independent body, and there would have been no need for a law to formalize its standing and force prime ministers to use it.

### **Advantages of the Law**

The new law provides a potential opportunity for the NSC that should be tapped to the utmost. First, the law officially affirms the right of the NSC to ask for and receive the resources it needs for its development, and as such evolve from a relatively small entity compared with other state staff bodies, to a body suited to the tasks required of it according to the law. Second, the law makes it difficult for the decision makers and various state mechanisms to continue to ignore the NSC, as at times occurred in the past. However, the law does not stipulate penalties, and thus it is unclear what risk those who ignore the law incur. Third,

the law changed the name of this body from the National Security Council to the National Security Staff. The definition of the NSS as a staff rather than as a council is appropriate, as the National Security Council in Israel is the government's political-security cabinet. It is possible that definition of the NSS as a staff body was also designed to strengthen the link between it and the prime minister, although the law contains clauses that make application of this idea difficult. Fourth, the law assigns the NSS to the area of national strategic assessment rather than national intelligence assessment. In this regard the law embraced the findings of the Lipkin-Shahak Commission and rejected the recommendations of the Winograd Commission whereby the NSS is to have an intelligence function and encompass the various intelligence assessments into a single integrative assessment. While there may be logic to the existence of a central government intelligence assessment body, implementation of the idea through the NSS exacts a heavy cost (handling enormous quantities of information, establishing a sizeable research infrastructure, and so on) and offers little added value. In Israel there is a marked imbalance between the extensive consolidating of intelligence assessments and a lack of activity in situation appraisal and development of strategic expertise in the political-security sphere.

### Shortcomings of the Law

The law does not oblige the prime minister to use the NSS or only the NSS for national security needs. This vagueness was one of the major factors behind the NSC's weak stature prior to the law. While according to the law the head of the NSS is supposed to receive all the information he requires and be invited to government discussions, the prime minister will determine the "reciprocal relations between the NSS head and the other officials in the Prime Minister's Office." This means there is nothing to prevent the prime minister from appointing a personal political advisor who will work alongside the head of the NSS and other officials, which will marginalize the NSS, as in the past. In addition, the law does not stipulate that the NSS head will be present when the real decisions are made – at the "kitchenette sessions."

The law confers not only authority on the NSS but responsibility as well and demands that it fill many roles. As a result, the head of the NSS is liable to find himself overwhelmed by the need to address

the numerous tasks assigned to him by law and find himself unable to determine his order of priorities. The law also confers various distinct roles on the head of the NSS that portend at times certain conflicts of interest:

1. Head of the political-security staff in the Prime Minister's Office, answerable to the prime minister. By nature of the position, this person is supposed to be the prime minister's confidante.
2. Responsible for establishing a center for management of national crises.
3. Head of the national unit for strategic situation appraisal at the Prime Minister's Office, who is obliged to present the results of its work to the government and report to the Knesset.

While responsibility for ongoing matters, including the center for management of national crises, does not conflict with responsibility for engaging in situation appraisal, it does impinge on implementation. This means that the NSS head will be stretched between two fundamentally different roles and will find himself scurrying between his ongoing tasks in the Prime Minister's Office and ensuring that individual ministers are fully updated, even though his distinctiveness is meant to lie in his strategic thinking and preparation of government discussions. This difficulty stands to increase in wartime, when the question will arise where the head of the NSS ought to be. In the national crisis management center? Alongside the prime minister in the underground IDF General Staff command post and meeting with senior officials? Taking part in NSS discussions on creating the best conditions for ending the war?

The law formalizes the tension between the responsibility of the national security advisor for appraising the national situation and his role as personal advisor to the prime minister. The more the law increases the standing of the NSS head as "the national situation assessor," the more it is liable to distance him from the focus of sensitive decision making by the prime minister, and vice versa: the more the NSS head is perceived as the prime minister's personal advisor, the more his standing as the government's (objective) national security advisor stands to be lessened.

According to the current wording of the law, the prime minister is authorized to not accept the national situation appraisal and even to decide not to present it to the government. The law's stipulation

that presentation of the work and recommendations of the NSS to the government will be contingent on “the prime minister’s decision” implies that if the NSS head arrives at an assessment that does not suit the prime minister it will not necessarily reach the government. This situation is problematic, particularly in the political reality that exists in Israel. For example, since the law was passed there have been differences of opinion on security and political issues between those in charge of national security in Israel: the prime minister, minister of defense, and minister of foreign affairs. These differences of opinion are not only the result of different analyses but also of these individuals’ differing political approaches, which are accentuated in advance of the forthcoming elections. If the head of the NSS does not present his findings or recommendations to the government because he is so instructed by the prime minister or for fear of such a directive, he will lose his credibility and public standing as national security advisor to the government, and his standing will be no different from that of any political advisor to the prime minister. Moreover, this clause in the law is liable to undermine one of the Winograd Commission’s recommendations, which advised that alternatives be submitted to the government professionally and objectively.

Possible ways of contending with this dilemma include:

1. Defining the head of the NSS as the prime minister’s advisor only, and foregoing his appointment as national security advisor to the government. As such the prime minister will be able to appoint his own confidante to the position and involve him in all his deliberations and decisions, and will not have to appoint additional advisors in the NSS framework. The NSS head will not be forcibly stretched between his responsibility as national security advisor to the government and his position as advisor to the prime minister.
2. Separating the roles, by defining the NSS head as the national security advisor to the government and appointing a political-security advisor, with limited powers, to the prime minister. In this case the NSS will remain in the prime minister’s office and be responsible for all the roles conferred on it by law. It will be answerable to the prime minister but will enjoy sovereignty with regard to presenting positions irrespective of the prime minister’s opinion, similar to the status of the chief of staff.

3. Preserving the combined roles and reducing conflict of interest. The head of the NSS will act both as security advisor to the government and advisor to the prime minister as stipulated in the law, but will enjoy sovereignty with regard to formulating and presenting his appraisals.<sup>5</sup> The prime minister will be obliged to present all the NSS findings to the government or the cabinet and will even allow ministers to ask the NSS to produce work for them. However, it will be stipulated that the head of the NSS will not be obliged to report to the government or the Defense and Foreign Affairs Committee with regard to discrete political activities he is privy to in the course of his work with the prime minister.

It seems there is no absolute solution for this problem, and every approach offers advantages and disadvantages. The third option, which does not necessitate a substantial change to the law, seems the most desirable.

Focusing the NSS on the traditional political-security field dictates an order of priority that may damage its ability to formulate a wider picture of the national security elements. Thus the NSS is liable to miss the advantage of its position in the center of the strategic national system, which enables it to form an integrative national situation assessment that to the situation assessments of certain government offices (such as the Defense and Foreign Ministries) adds data with strategic significance from other areas – the economy, education, immigration, crime, and so on. While the law does not prevent the NSS from engaging in areas beyond the political-security arena, it does not encourage such activity either.

The law does not formalize the decision making processes in the field of national security. This lapse stems first and foremost from the lack of definition of the level of authority and responsibility of the country's leaders in the area of national security. Logic suggests that the responsibility of the decision makers should have been defined in the law, and only after that should the staff bodies be established accordingly, including the NSS. Defining the roles of the NSS in the law not only does not improve the situation but also increases the ambiguity surrounding the role and responsibility of the prime minister and the defense minister with regard to the IDF. For example, it is not clear from

the law if from now on the minister of defense is expected to channel his staff work through the NSS before he brings it to Cabinet meetings.

The duty of the IDF, police, and relevant government ministries to attend NSS discussions when summoned is one of the innovations of the law compared with the government decision that preceded the law. Here the law tries to provide the head of the NSS with authority, yet the principal problem of the NSS was not the lack of attention from subordinates but the lack of consideration from the political hierarchy. In addition, the law does not stipulate penalties for infringements in this and other areas of the law, which creates an ill-defined situation that is not the benefit of the NSS.

There is a reason to discredit selective legislation such as the NSS Law, which requires certain state mechanisms and not others to adhere to the instructions of the prime minister's staff and work with it in a regulated fashion. The law's stipulations as to the status of the NSS in relation to certain government ministries arouses questions such as: does this mean that other ministries – such as the Ministries of Education, Health, Infrastructure, Transportation, Justice, and others – are exempt from attending discussions with the prime minister's representatives? The law's attempt to correct a dismal reality of the relationship between the defense establishment and the NSS by demanding the self-evident (i.e., participating in deliberations) is liable to generate a situation in which this is not self-evident with regard to state bodies to which the law does not apply.

Another matter relating to the selectiveness of the law touches on the budgets of the Ministries of Defense and Foreign Affairs. Why does the law require an entity in the Prime Minister's Office, such as the NSS, to examine the budget of the Ministry of Defense and the Ministry of Foreign Affairs while there is no body that examines the budgets of other ministries? It seems that prior to addressing specific budgets, the law had would have done better to stipulate that the prime minister must be assisted by the NSS to examine the connection between the overall state budget and its allocation, as per the government's national order of priorities.

## Principal Clauses in the 2008 National Security Staff Law

### 1. *General*

- (a) The government will have a National Security Staff, which will operate within the Prime Minister's Office in Jerusalem.
- (b) The National Security Staff shall serve as the staff body for the prime minister and the government regarding the State of Israel's foreign and security affairs.
- (c) The prime minister shall operate the National Security Staff and will direct it.

### 2. *Roles of the National Security Staff*

- (a) These are the roles of the National Security Staff:
  - (i) To centralize the staff work of the government, the ministerial committee on national security matters, and any other ministerial committee regarding foreign and security affairs;
  - (ii) To prepare the deliberations of the government and its committees as stated in (i), to present the alternatives on the matters under discussion, in addition to their presentation by the bodies involved with the matter; to present the differences between the alternatives and their assessed significances, as well as a reasoned recommendation for a chosen alternative;
  - (iii) To follow the execution of the decisions of the government and its committees as stated in (i), and to report to the prime minister on their implementation;
  - (iv) 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 group on foreign and security affairs, and to recommend the invitation of participants and the rank of those invited to their discussions;
  - (v) 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 the prime minister with the alternatives, the differences between them, and their assessed significance, and present recommendation to the prime minister regarding policy on these matters, as well as to present the same to the government as stated, pursuant to the decision of the prime minister;
  - (vi) To prepare and 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 related

issues, including opinions and analyses in the various intelligence fields, 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 for which the prime minister is responsible, 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 (ii);

- (vii) To prepare the staff work for the prime minister prior to deliberations on the defense budget, as well as any other budget-related article that the minister of defense or anyone he has appointed for this purpose is in charge of, on the budget that the foreign minister is supervisor of, and in the budget of the security bodies over which the prime minister is responsible, including the formulation of alternatives, according to an overall view with a reasoned order of priorities;
  - (viii) To operate the National Crisis Management Center in the Prime Minister's Office;
  - (ix) To assess the security concept of the State of Israel and to propose updates to it;
  - (x) 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 overall view, unless the prime minister shall instruct otherwise;
  - (xi) To carry out any other staff role in foreign and security affairs, and other areas determined by the prime minister;
- (b) For the purpose of fulfilling its roles as stated in Article 2, the head of the National Security Staff 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 Staff shall decide upon, shall be invited. Anyone invited as stated must arrive for the hearing unless the head of the Staff is convinced that this is not possible in the circumstances of the matter.
3. (c) The head of the National Security Staff will be subordinate to the prime minister, and shall serve as national security advisor.

## Conclusion

While it is difficult to draw clear conclusions thus far regarding implementation of the NSS Law, it appears that little has changed and state bodies are not rushing to embrace it. For example, in October 2008 officials in the defense establishment criticized how the NSS situation appraisal was conducted.<sup>6</sup>

While the NSS Law contains certain advantages, it appears incapable of generating the change needed so that the NSS will be the entity that will create “supremacy of strategic thinking.” The absence of a law was never the main problem with the performance of the NSS, and thus the new law will struggle to meet the great hopes attached to it.

Converting the NSS into an influential body requires the following conditions:

1. Devising the abilities of the NSS so that it initiate, integrate, and produce knowledge products that will enable the government to attain “supremacy of strategic thinking.” Without sufficient know how, even orderly staff work will not yield much fruit and may at times cause more damage than a situation in which there is no staff work at all.
2. Support of the prime minister. The standing of the NSS is largely dependent on the prime minister and on the prime minister’s stature. Only if the prime minister is assisted by the NSS often in making his decisions and provides it with backing as his representative will the NSS be able to contribute to decision making. In this regard the head of the NSS should have the leading role within the Prime Minister’s Office, so that the prime minister does not employ a number of people working in parallel to the head of the NSS.
3. Changing the decision making culture in the government, by ending the age of improvisation and “kitchenettes” and moving to an era of joint study, analysis, and coordination, using the NSS as a leading body. The idea of the “kitchenette” may have been an efficient solution in the early days of the state, when there was: an absence of state knowledge resources; great estrangement between the political groups; and little tolerance of different opinions in the public and even in the government. As a maturing country with a range of opinions, governmental institutions should be oriented more in a professional direction and less in a sensitive political

direction. In this regard, care should be taken to differentiate the private from the public: the prime minister can enlist a personal advisor but at the state level, he must take advice from a professional body whose considerations are professional only.

The NSS is an important body in an orderly decision making process, and is of great significance at this time when the country confronts many political-security challenges. Hopefully the new government that will be formed following the coming elections will give it the weight and stature it merits.

## Notes

- 1 The examples are based on comparison of the actual results versus the objectives Israeli policymakers set for themselves while taking steps. For example: the government of Prime Minister Rabin expected the Oslo accords to achieve a permanent settlement with the Palestinians by 1999 and not the waves of suicide attacks and Katyusha rocket fire on civilian centers of population in Israel. Otherwise, it would not have approved this move. Prime Minister Sharon saw disengagement from the Gaza Strip as a means of leveraging progress with Israel's political and security situation and did not expect that an Islamic entity, no less an ally of Iran and Hizbollah, would emerge in the Strip and fire Katyushas on Israel.
- 2 <http://www.nsc.gov.il/NSCWeb/TemplatesEnglish/DivisionsEN.aspx>.
- 3 Audit report on the National Security Council from September 27, 2006, State Comptroller website.
- 4 This resolution replaced Government Resolution 4889 from March 7, 1999, with regard to the establishment of the National Security Council.
- 5 In practice, this situation exists regarding the national intelligence appraisal: the head of Military Intelligence's research division, like the head of Intelligence, enjoys sovereignty with regard to presenting intelligence appraisals to the government, despite being answerable to the chief of staff and the minister of defense.
- 6 Ron Ben-Yishai, "The Defense-Oriented Monopoly," Ynet, December 12, 2008.