

# Independent Reporting Mechanism (IRM): Israel Progress Report 2015–2016

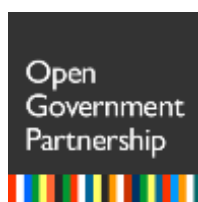
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Roy Peled and Guy Dayan, Independent Researchers

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## Executive Summary: Israel

### Independent Reporting Mechanism (IRM) Progress Report 2015–16

Most of the commitments for Israel's action plan aim to improve transparency and access to information. However, the current political climate has undermined CSO involvement in the OGP process. For future action plans, commitments could focus on strengthening public participation and enabling civic engagement.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry, to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each country that participates in OGP. Israel began participating in OGP in August 2011. OGP operation is based on a cabinet resolution dated 1 April 2012, which is binding within the executive branch.

The office of the Government's Chief Information Officer (CIO) is the leading office responsible for Israel's OGP commitments. CIO's mandate is to implement technological solutions to improve government information management. Their office was transferred from the Treasury to the Prime Minister's office in early 2015. However, the CIO does not have binding powers over other agencies.

OGP processes are coordinated by a forum comprised of representatives from Information and Communication Technology (ICT), the Prime Minister's office for improvement of public services and the Governance and Society Division, the Freedom of Information Unit at the Ministry of Justice and an observer from the Knesset (the Israeli parliament). Civil Society Organizations (CSOs) are not included in the planning or implementation process of the action plan.

#### At a Glance:

Member since: .....2011  
Number of commitments: 9

#### Level of Completion:

Completed: .....4 of 9  
Substantial: .....4 of 9  
Limited: .....0 of 9  
Not started: .....1 of 9

#### Commitment Emphasis:

Access to  
information: .....7 of 9  
Civic participation: .....3 of 9  
Public accountability: ....1 of 9  
Tech & innovation  
for transparency &  
accountability: .....2 of 9

#### Commitments that are

Clearly relevant to an  
OGP value: .....9 of 9  
Of transformative  
potential impact: .....0 of 9  
Substantially or completely  
implemented: .....8 of 9  
All three (★): .....0 of 9

## **OGP Process**

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

Israel's consultation process in advance of publishing the action plan was very limited. CSOs were consulted once during an official meeting in which a largely completed action plan was presented to invitees, who expressed their dissatisfaction with the process. According to interviews by IRM researchers, government officials also held personal meetings with other organizations but no actual change in the action plan came as a result of those encounters.

The government created an Open Government Forum in 2011 to engage stakeholders in Israel's OGP activities. The Forum is supported by an official cabinet resolution and includes members of two think tanks and representatives from seven non-governmental organizations (NGOs) focused on transparency and good governance.<sup>1</sup> The Forum met twice, once in February 2015 for the presentation of the action plan to all the participants and again in February 2016. As mentioned above, participants were also invited to meet separately with the Prime Minister's office officials who presented the action plan.

Israel published a self-assessment report on their action plan in December 2016.

## Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. Israel's action plan contains nine commitments. The following tables summarize for each commitment the level of completion, potential impact, whether it falls within Israel's planned schedule and the key next steps for the commitment in future OGP action plans. Similar commitments have been grouped and re-ordered in order to make reading easier.

Israel's second action plan does not have starred commitments. Note that the IRM updated the star criteria in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Israel did not any starred commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
<b>1. Regularizing the status and authorities of the Governmental Freedom of Information Unit (FOI Unit)</b>								
1.1. Position of the Ministry of Justice								
1.2. Regularization of the FOI Unit								
<b>2. Increasing use of central website for freedom of information</b>								
2.1. Uploading information to the website								
2.2. Expansion of information and improved access								
<b>3. Increasing transparency regarding contracts between the State and private bodies</b>								
3.1. Supervise the implementation of the government resolution								
3.2. Implement changes in the Merkavah system								
3.3. Set standards for reporting state expenditures								
<b>4. Establishing a unified website for government offices</b>								
4.1. Plan for the website with public consultation								
4.2. Upload preliminary version of the website								
<b>5. Data.gov</b>								
5.1. Encourage publication of new government databases								
5.2. Improve quality of published databases								

5.3. Dialogue with developers and requirements setting								
5.4. Mapping of main government databases								
<b>6. To measure the public's satisfaction with government services and the quality of service in the various channels</b>								
6.1. Measurement of ten public service providers								
6.2. Publish the annual report for 2014								
6.3. Expand assessment to face-to-face service providers								
6.4. Examine methods of assessment expansion from other countries								
<b>7. Increasing transparency of information regarding legislation</b>								
7.1. Expansion of the Knesset website								
7.2. Meetings with civil society								
7.3. Present legislation								
7.4. Develop an integrated system for legislative information								
<b>8. Developing a governmental 'Tool Box' for public participation in the government's work</b>								
8.1. Develop five tools/online applications								
8.2. Pool of suppliers for online and physical public participation processes								
<b>9. Continued integration of public participation in government work</b>								
9.1. Publish a guide for public participation								
9.2. Formulate central outlook								
9.3. Hold meetings								
9.4. Accompany or lead four significant processes								
9.5. Accompany and encourage the establishment of round tables								

1 Cabinet Resolution 4515 of the 32nd Government, "Join the international open government partnership and the appointment of 'the Israeli' government open forum" (1 Apr. 2012), [www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4515.aspx](http://www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4515.aspx).

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<b>1. Regularizing the status and authorities of the Governmental Freedom of Information Unit (FOI Unit)</b> <ul style="list-style-type: none"> <li>• OGP value relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Not started</li> </ul>	<p>The FOI Unit's mandate has been restricted solely to government offices and those covered by the FOI Law. This limits FOI's ability to promote the FOI law. The commitment seeks to provide the Unit with greater capacity to enforce the FOI law, including the authorisation of the Ministry of Justice, which oversees the process of regularization.</p> <p>IRM researchers were informed by government officials of discussions within the Ministry of Justice regarding its position on FOI's expansion. However, at the time of this report, there was no available draft memorializing Justice's stance. The regularization process was also not formalized. IRM researchers recommend the government to invite all stakeholders to present proposals on the Unit's work and the regularization of its authorities.</p>
<b>2. Increasing use of central website for freedom of information</b> <ul style="list-style-type: none"> <li>• OGP value relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>The Freedom of Information website went online in January 2014 and facilitates FOI requests. This commitment seeks to increase public awareness of the website's existence and to facilitate its use both by the general public and state authorities.</p> <p>During the first year of implementation, the government held an awareness campaign encouraging the public to use the website. The website saw an increase of users from 180 per day to approximately 350 due to this campaign. Additionally, four out of the 36 ministries in Israel uploaded replies to more than 50 FOI requests in the period between January 2014 and May 2016.</p> <p>Future action plans could benefit from a binding framework to disclose all replies to information requests on the website.</p>
<b>3. Increasing transparency regarding contracts between the state and private bodies</b> <ul style="list-style-type: none"> <li>• OGP value relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Completed</li> </ul>	<p>On 1 June 2014, the government enacted a resolution that requires government offices to publish via the main FOI website all contracts and permits that either use public resources or provide public services. This commitment seeks to supervise the implementation of this resolution and provide better access to information on state expenditures.</p> <p>The Freedom of Information Unit supervised the implementation of the resolution by requiring public reports on the contracts uploaded by various Israeli agencies. Furthermore, the Unit both adapted the governmental cross-agency reporting system to accept regular quarterly reports and held awareness activities like support meetings between Unit professionals and government agencies and publishing guidelines for the implementation of the resolution among government agencies.</p> <p>This commitment could be improved by clear, specific and measurable goals toward access to information and higher government accountability.</p>
<b>4. Establishing a unified website for government offices</b> <ul style="list-style-type: none"> <li>• OGP value</li> </ul>	<p>According to the Quality of Government Services Index, online government services received a ranking of 67 out of 100, the lowest ranking for all forms of government services in 2014. This commitment introduces a unified online platform to facilitate open</p>

<ul style="list-style-type: none"> <li>relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Completed</li> </ul>	<p>information for the public and enhance service delivery.</p> <p>A preliminary version of the unified website was launched in March 2016 in Hebrew with one feature also available in English.</p> <p>This commitment could be strengthened by clear language regarding the website's objectives and content as well as how it will benefit access to government datasets.</p>
<p><b>5. Data.gov</b></p> <ul style="list-style-type: none"> <li>OGP value relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Completed</li> </ul>	<p>This commitment aims to encourage use of government databases. During the first year of implementation of the action plan, over 200 datasets were prioritized by CSOs and uploaded to Data.gov.</p> <p>The IRM researchers recommend the government set more specific goals as to the scope of datasets to be disclosed and enlist greater support from the public and government officials in implementing this commitment.</p>
<p><b>6. To measure the public's satisfaction with government services and the quality of service in the various channels</b></p> <ul style="list-style-type: none"> <li>OGP value relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Substantial</li> </ul>	<p>This commitment seeks to improve public service delivery by measuring the quality of public services offered by state institutions.</p> <p>The Prime Minister's office 2014 annual report on the quality assessment of twenty public service providers was published in 2015. Fifteen additional government agencies were measured in a second phase of the assessment. However, the government has yet to research international assessment methods as indicated in the commitment.</p> <p>This commitment is not relevant to OGP values. However, the IRM researchers recommend the commitment might benefit from greater public accountability components.</p>
<p><b>7. Increasing transparency of information regarding legislation</b></p> <ul style="list-style-type: none"> <li>OGP value relevance: Clear</li> <li>Potential impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p>This commitment intends to make legal documents more accessible to the public. The Knesset website has uploaded most of the vital legislation since the foundation of Israel, including minutes of Knesset committee meetings, earlier versions of bills and other non-legislative documents. The government consulted civil society representatives from academia and think tanks during the design and implementation of the Knesset website.</p> <p>The IRM researchers suggest creating tools for the public to proactively engage with the information.</p>
<p><b>8. Developing a governmental 'Tool Box' for public participation in the government's work</b></p> <ul style="list-style-type: none"> <li>OGP value relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Completed</li> </ul>	<p>This commitment aims to increase public participation in the governmental decision-making process through new technological tools for civic participation. The government developed five tools and published a tender for support services with five selected suppliers.</p> <p>During the second year of implementation, IRM researchers suggest the government integrate these new tools in daily government actions or thematic fields and track the tools' implementation.</p>
<p><b>9. Continued integration of public participation in government work</b></p>	<p>This commitment aims to increase the scope and reach of public participation in governmental processes by focusing on the human and organisational factor of governmental processes.</p>

<ul style="list-style-type: none"> <li>• OGP value relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Completed</li> </ul>	<p>At the time of this report, IRM researchers had learned of several pre-existing public participation meetings. Furthermore, during the last decade, the government has engaged CSOs to encourage the establishment of roundtables. Eleven roundtables occurred in 2014.</p> <p>The commitment could benefit from guidelines on themes and requirements to conduct public participation processes.</p>
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## Recommendations

While Israeli CSOs enjoy an open relationship with government officials, public consultation is nonetheless subject to limitations. A main recommendation is that stakeholders and the state focus on structuring clear guidelines for consultation and implementation processes for the action plan. These guidelines should include all major actors in the relevant areas and provide feedback on each of the commitments proposed.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Top Five SMART Recommendations

Bolster the Prime Minister's new found office leadership in OGP to strengthen the mandate of the Government's Chief Information Officer in the role of coordination and implementation of OGP initiatives.
Expand the scope of engagement by Israel's CSOs to include organizations and individuals who do not work with the government in OGP related activities.
Commit to the creation of an independent Open Government mechanism outside the government, such as an information commissioner with powers to regulate government activities related to increasing government transparency (See recommendation under Commitment 1).
Ensure future commitments target specific social, political, economic or environmental problems instead of amorphous approaches to the development of guidelines for participation and databases.
Move civic participation commitments beyond planning and creating guidelines to the actual institutionalisation of government and civil society dialogues in public policy.

**Eligibility Requirements:** To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit [bit.ly/1929F1I](http://bit.ly/1929F1I).

Roy Peled and Guy Dayan are independent researchers in Israel.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



# I. National participation in OGP

## 1.1 History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Israel began its formal participation in August 2011, when Prime Minister Benjamin Netanyahu declared his country's intention to participate in the initiative.<sup>1</sup>

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, for strengthening citizen engagement, and for fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond the status quo. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Israel developed its second national action plan from October 2014 to April 2015. This plan's implementation period is 1 May 2015 through 31 December 2017. This midterm progress report covers the first year of implementation per OGP's calendar, from July 2015 – June 2016. Beginning in 2015, IRM also publishes end of term reports to account for the final status of progress at the end of the action plan's two-year period. Any activities or progress made after the first year of implementation (after June 2016) will be assessed in the End of Term report. At the time of writing, September 2016, the government of Israel is yet to publish its midterm self-assessment report, covering the first year of implementation for the second action plan.

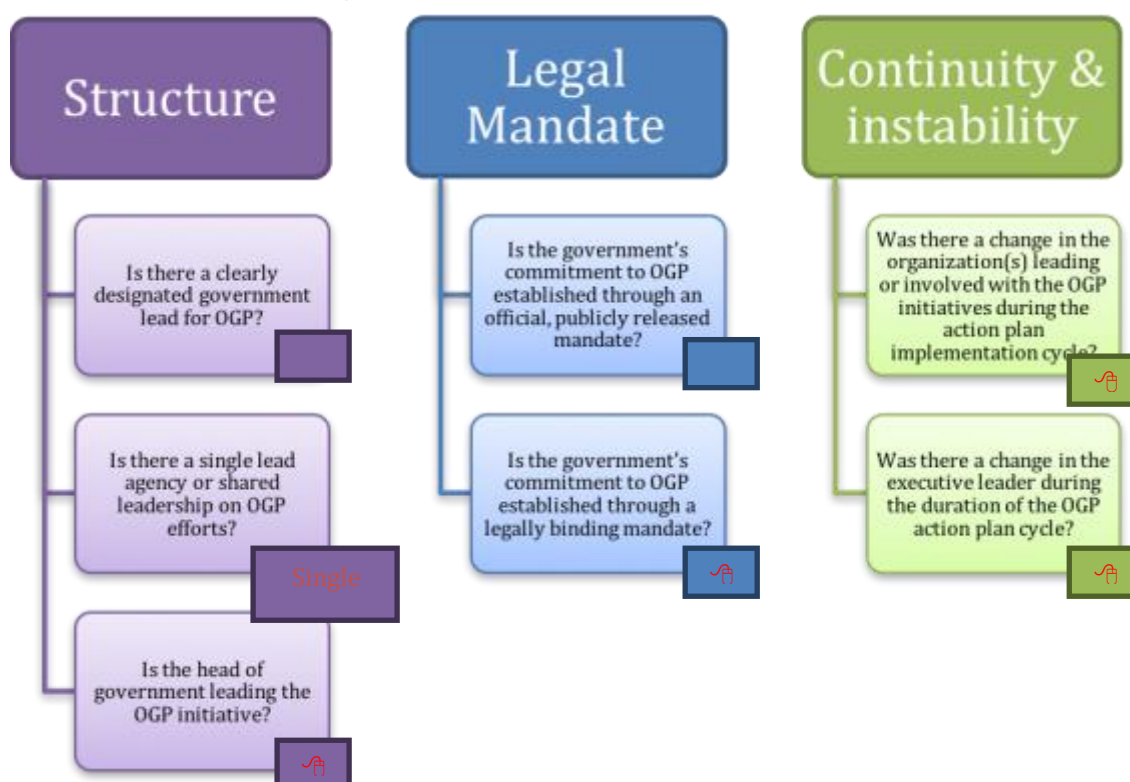
In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Roy Peled and Guy Dayan, who carried out this evaluation of the development and implementation of Israel's second action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. Methods and sources are dealt with in a Methodology and sources (Section VI) in this report.

To gather the voices of multiple stakeholders, the researchers organized a stakeholder forum in Tel-Aviv and online interviews.<sup>2</sup> The researchers also reviewed the government's self-assessment report on Israel's first action plan.<sup>3</sup> In addition, they read through the draft of the government's midterm self-assessment report. References are made to these documents throughout this report.

## 1.2 OGP Leadership in Israel

This sub-section describes the OGP leadership and institutional context for OGP in Israel. Table 1.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 1.1: OGP leadership in Israel



The office of the Government's Chief Information Officer (CIO) is the leading office responsible for Israel's OGP commitments. This office runs Israel's Information and Communication Technology Authority (ICT). The office of the CIO was transferred from the Treasury to the Prime Minister's office in early 2015, better enabling the CIO office to oversee OGP implementation activities and transparency initiatives of government branches. However, the CIO office does not hold enforcement power over other agencies (See Table 1.1 on the OGP mandate and leadership in Israel). Currently, CIO's mandate largely consists of implementing technological solutions to improve government information management, with transparency as one of its fields of operation. The Chief Information Officer allocated one half-time position to be in charge of OGP process management, including implementation, self-assessments and coordinating future OGP activities. While this staff member is frequently the lead actor in coordinating OGP processes, other institutions have implementation responsibilities within the action plan.

OGP is coordinated through a forum comprised of representatives from ICT, the government Office for Improvement of Public Services (in the Prime Minister's Office), the Freedom of Information Unit (in the Ministry of Justice), the Governance and Society Division (Prime Minister's office) and an observer from the Knesset (the Israeli parliament).

The OGP operation is based on a cabinet resolution dated 1 April 2012, which is binding within the executive branch.<sup>4</sup> The government cabinet adopted the country's second action plan by an additional resolution on 28 April 2015.<sup>5</sup> This again makes the action plan binding on government agencies. However, this general resolution only states that the action plan is affirmed. Thus, according to Israeli administrative law, government agencies are ordered by this resolution to consider the action plan as approved by the cabinet and act upon it, but this general commitment does not enforce specific actions. There is no other legally binding document within the executive branch with a more detailed set of obligations for agency implementation of the plan. However, some specific commitments are backed by various government

resolutions that support activities that coincide with commitment implementation, like the cases of commitment 5 and commitment 6<sup>6</sup>.

Finally, it is important to note that Israel is a unitary system, meaning that the national government holds much of the relevant power, including the ability to implement the action plan. However, it should also be noted that Israel is a highly politicized society; executive bureaucrats are sensitive to political changes and their operations fluctuate accordingly.<sup>7</sup> Areas of authority and responsibility are often transferred from one ministry to another causing instability and delays in implementing government policy. That said, the researchers see the transfer of OGP management from the Treasury to the Prime Minister's office as a positive change, as it better positions those in charge to motivate other branches, generate OGP programs and supervise other agencies' OGP activities. The internal infrastructure of the OGP management remains mostly unchanged, as the operation was transferred as a whole. Hence, the prime OGP authority remains the government's CIO (Mr. Yair Frank, who replaced Ms. Carmela Avner; Avner resigned over dissatisfaction with her position's capacity to change government practices according to press reports).<sup>8</sup>

Transfer to the Prime Minister's office does not necessarily indicate prime ministerial engagement. The IRM researchers have found no evidence that suggests direct involvement of the Prime Minister in OGP efforts, neither in implementation nor at the declaratory level.

### 1.3 Institutional participation in OGP

This sub-section describes which government institutions were involved at various stages in OGP. The next section will describe which non-governmental organizations were involved in OGP.

Table 1.2 Participation in OGP by government institutions

How did institutions participate...?		Ministries, Departments, and agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other, including constitutional independent or autonomous bodies.	Subnational governments
Consult	Number	Many but mainly 5 <sup>9</sup>	1	0	0	0
	Which ones?	See endnote 2	Knesset (Israeli Parliament)			
Propose	Number	5	1	0	0	0
	Which ones?	See endnote <sup>10</sup>	Knesset (Israeli Parliament)			
Implement	Number	5	1	0	0	0
	Which ones?	See endnote 3	Knesset (Israeli Parliament)			

In Israel, participation in OGP is open to all central government agencies, who were indeed informed of the drafting of the second action plan and invited to propose commitments. Yet in practice, a limited circle of government agencies is active in the process. Other than opening the process for consultation, active input-seeking was mostly handled through the Open Government Forum. This Forum includes five agencies from three government ministries and the Knesset (Israeli Parliament) and has taken one commitment in the action plan upon itself.

Some of the commitments define "all government ministries" as counterparts however these are mostly passive counterparts (e.g. a commitment measuring public satisfaction with government services will measure all government ministries' services).

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1 Letter from Israeli Prime Minister Benjamin Netanyahu to the U.S. Undersecretary of State Maria Otero (22 Aug. 2011) <http://www.opengovpartnership.org/sites/default/files/LOI%20Israel.jpg>.

2 Participants included representatives from the Movement for Freedom of Information; the Public Knowledge Workshop; the Center for Citizens' Empowerment; "Kol Zchut" (All-Rights); The Social Guard; The Israel Democracy Institute; and government representatives from the Freedom of Information unit in the Justice Ministry the CTO office and the Prime Ministers' Office.

4 Cabinet Resolution 4515 of the 32nd Government, "Join the international open government partnership and the appointment of 'the Israeli' government open forum" (1 Apr. 2012), [www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4515.aspx](http://www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4515.aspx).

5 Cabinet Resolution 2498 of the 33rd Government, "Action Plan on Open Government for 2017-2015" (28 Apr. 2015), [www.pmo.gov.il/Secretary/GovDecisions/2015/Pages/dec2498.aspx](http://www.pmo.gov.il/Secretary/GovDecisions/2015/Pages/dec2498.aspx).

6 Data.gov is supported by Resolution 2097 of 10.10.2014 and Resolution 1933 of 30.8.2016.

7 See Jacob Shamir, Pluralistic Ignorance Revisited: Perception Of Opinion Distributions In Israel, 5(1) International journal of public opinion research 22 (1993).

8 Raphael Kahan, "Raz Heiperman Appointed Director of ICT" (2 Jan. 2014), <http://www.calcalist.co.il/internet/articles/0,7340,L-3620912,00.html> (in Hebrew).

9 All government agencies were informed and had an opportunity to contribute to the consultation process, but there was no concentrated effort to collect feedback from a circle of government agency wider than the five agencies mentioned below in note 9, who are members of the official OGP forum.

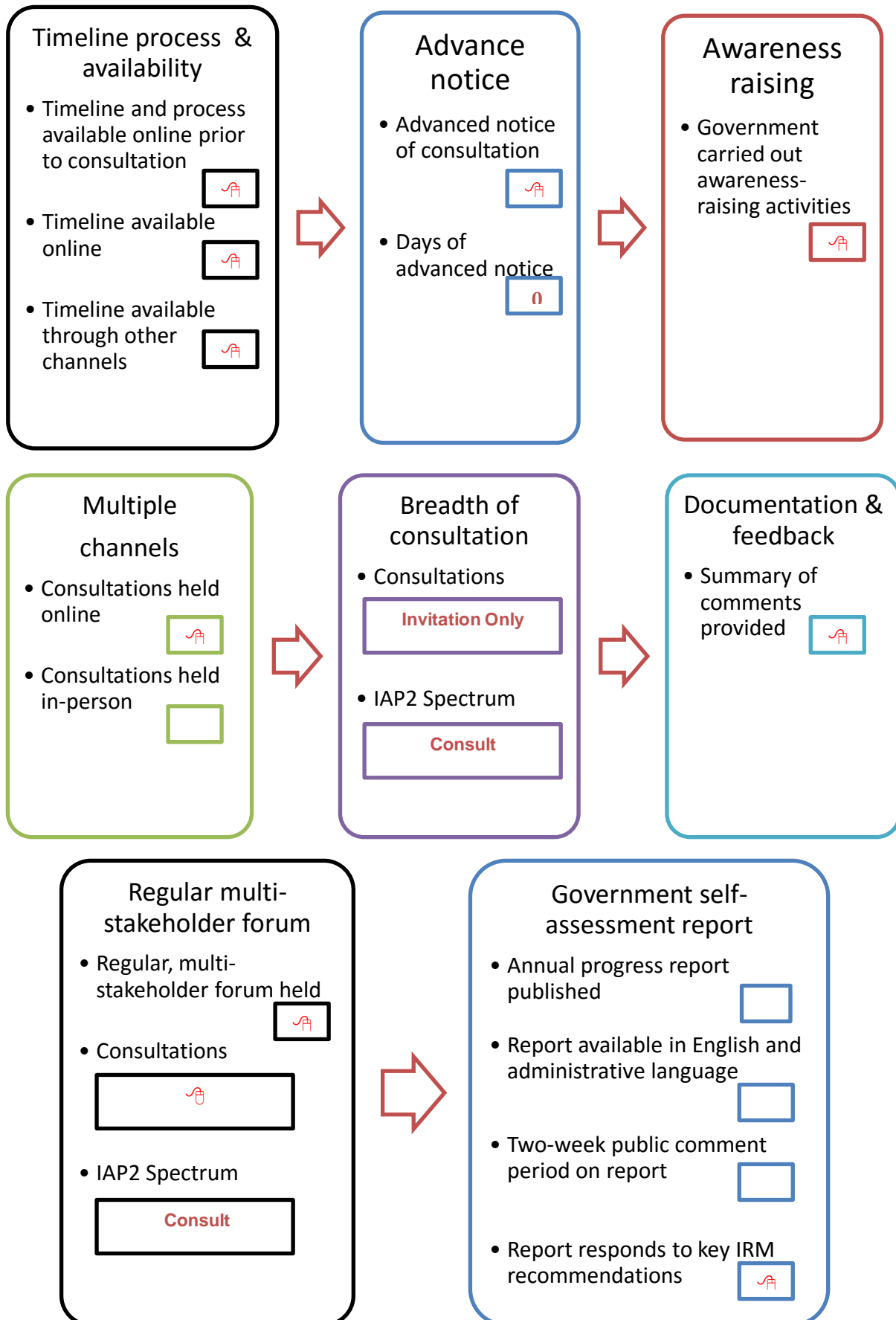
10 Prime Minister's office: ICT and Governance and Society Division; Treasury: the General Accountant; and Ministry of Justice: The Counselling and Legislation department and the FOI unit.

## **II. National OGP Process**

Israel's consultation process for its second OGP action plan was limited. Other than informal meetings, there was only one meeting with NGOs in which a mostly completed action plan was presented to invitees, who consequently expressed their dissatisfaction with the process. Government officials invited written comments on the action plan and said they were open to personal meetings. In an interview with government officials, the researchers learned the officials did in fact meet with representatives from five organizations. However, the researchers were not presented with any actual changes to the action plan resulting from these consultations.

Countries participating in OGP follow a set of requirements for consultation during development, implementation and review of their OGP action plan. Table 2.1 summarizes the performance of Israel during the first phase of implementation of the 2015-2017 action plan.

Table 2.1: National OGP Process



## 2.1 Action Plan Development

As stated above, the consultation process was limited. Government officials maintain the consultation process was disrupted due to the irregular general elections and establishment of a new government (although led by the same party and Prime Minister) as well as the transfer of the CIO office from the Treasury to the Prime Minister's Office<sup>1</sup>. This disruption and the resulting delay in orders from new ministers left little time for public consultation before the submission deadline for the national action plan.

Those invited to eventually partake in the consultation process were members of the Open Government Forum, a forum created when Israel joined the OGP. The forum was convened for the first time in January 2013 and did not meet again until February 2015 (and later again in January 2016). It includes members of two think tanks and representatives from seven NGOs focused on transparency and good governance. The draft action plan was sent to participants twelve days before the date of the consultation. It was in nature a final draft, and indeed very little changed before it became the eventual action plan the government committed itself to.

Because of the rather short notice and the final stages of the draft writing, few participants attended the consultation (attendees included only one representative from a think tank and four from NGOs). Most of the meeting was occupied with government representatives presenting their agency's commitment and little time was left for input from attendees. Some participants voiced their dissatisfaction with this process. One such CSO representative said, "it was an updating meeting, not a consultation" and that there was no coordination in preparing the presentation materials. Another CSO representative stated that the purpose of the meeting was only to "praise the government's work."<sup>2</sup> Government representatives acknowledged that the consultation process was unsatisfactory and toward the end of the meeting, orally invited participants to contact them directly for further individual consultation. They report that five such meetings occurred.<sup>3</sup> These new meetings were on the initiative of specific individuals to present at the form meetings to deal with the commitment closer to their fields of interest. Nevertheless, it was decided not to change the original action plan.

## 2.2 Ongoing multi-stakeholder forum

As part of their participation in OGP, governments commit to identifying a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarizes that information.

The government created the Open Government Forum in 2011 to engage stakeholders in Israel's OGP activities. The Forum was created specifically for this purpose and is supported by an official cabinet resolution.<sup>4</sup> The Forum has only met once during preparation of the second action plan, in February 2015 when they presented the second action plan to participants. As mentioned above, participants were also invited to meet separately with the Prime Minister's office officials who presented the action plan.

Both in interviews with the IRM researchers and at a stakeholders meeting, civil society participants described this February 2015 meeting as "a farce" that reportedly reached unpleasant tones.<sup>5</sup> IRM researchers consider this description to be indicative of frustration among NGO representatives with the limited level of involvement in the official OGP processes, the pace of government progress in this field and NGO's ability to influence the implementation of government policies.

The Forum was by invitation only to members specified in the cabinet resolution. According to the resolution, the Forum had to include ten government officials, thirteen NGOs, ten representatives of academia and think tanks and two commercial entities (the Israel office of Google and Microsoft). One-third of Forum participants

were female. NGOs represented the environment, minority rights, freedom of information and general civil rights. This spectrum reflects NGO activity regarding advocating for open Israeli governance, however, other fields who didn't directly deal with open governance were absent (e.g. education).

The Forum approved of creating five sub-committees but only two were actually created: public participation and transparency. The three sub-committees that the Forum has yet to form concern government organizational culture, improving the quality of public services and access to information. IRM researchers verified with NGO participants in these subcommittees that at the time of this report, the sub-committees include both government and NGO representatives, have a proper gender balance and meet regularly (three to four times a year). Furthermore, participants described their meetings as competently prepared, managed and serious.

The notes of the subcommittee meetings were published and unofficially open to comments. In contrast, notes from the 2015 Forum meeting were not published. The work of the subcommittees is not intended as to follow the implementation of OGP commitments specifically. The sub-committees took upon themselves some OGP-related missions as well as others that are not mentioned in the OGP action plan (for instance, one of the two subcommittees discussed amendments to the FOI law as well as problems with the management of FOI requests). These subcommittees therefore do not indicate progress in this sense.









One of the IRM researchers was invited to partake in the subcommittee on transparency as an expert in the field; he was present at three of their meetings.

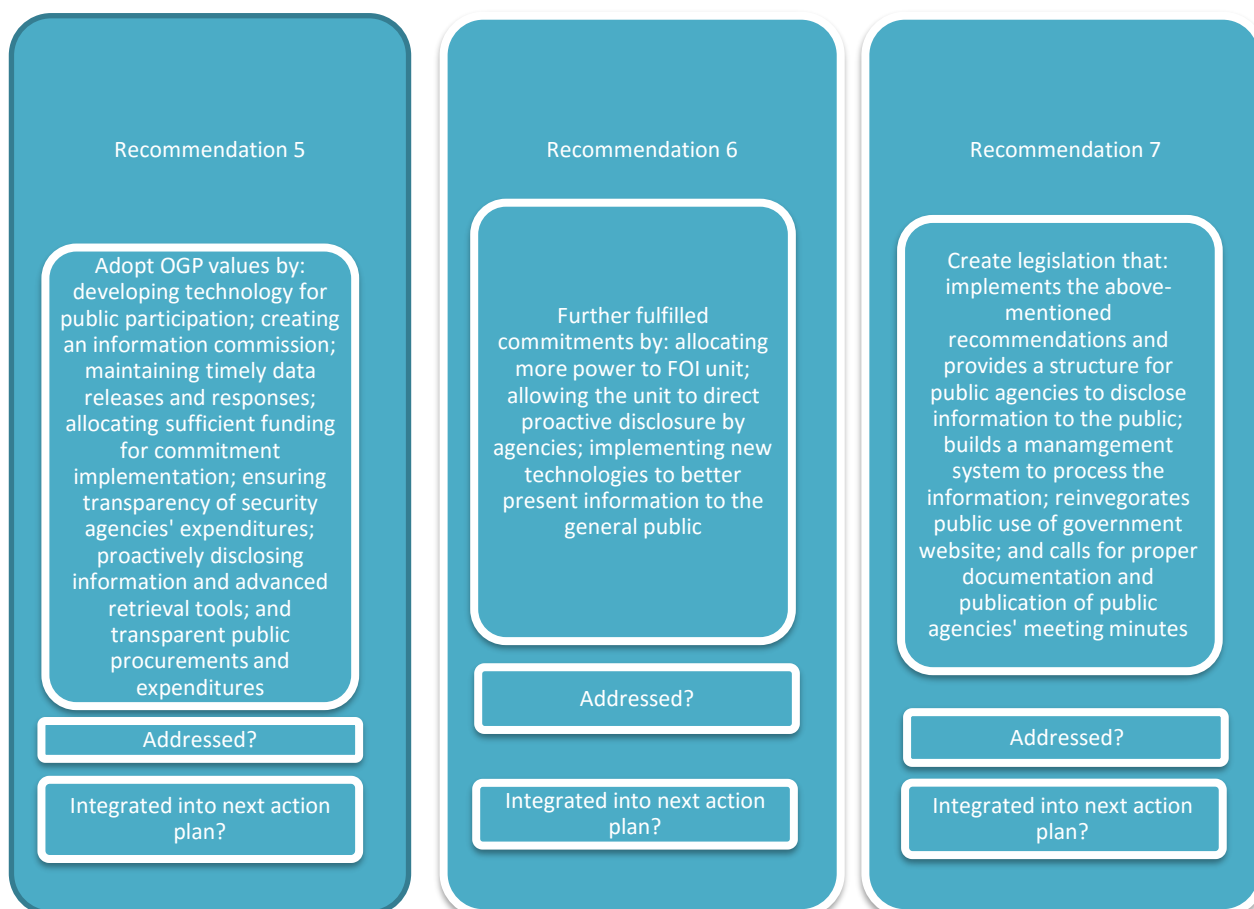
### **2.3 Self-Assessment**

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a minimum two-week period. This section assesses compliance with these requirements and the quality of the report.

A draft interim report was published on 8 September 2016, covering the implementation period of 1 June 2015- 31 July 2016. This report was open for public comments through 22 September 2016.

**Table 2.2: Previous IRM report key recommendations**

Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4
<p>Establish a government entity that has power to implement and lead all open government initiatives</p>	<p>Establish a cross-sector forum that promotes open government programs and assign a new leader to reactivate the open government forum</p>	<p>Advocacy efforts to promote public participation and use of tools envisioned as part of OGP as well as other initiatives</p>	<p>Invest in projects to encourage the public to participate in the consultation process; receive and process a wider range of public opinion through a well structured mechanism into workable proposals on open government</p>
<p>Addressed? </p>	<p>Addressed? </p>	<p>Addressed? </p>	<p>Addressed? </p>
<p>Integrated into next action plan? </p>	<p>Integrated into next action plan? </p>	<p>Integrated into next action plan? </p>	<p>Integrated into next action plan? </p>



As part of their participation in OGP, all participant countries should address the recommendations of the IRM progress report in their self-assessment report. Table 2.2 shows if the government addressed the recommendations on the latest progress report and if those recommendations were integrated into the next action plan.

The government addressed two of the seven recommendations by integrating them into their second action plan (Recommendations 2 and 3). The IRM researchers believe there were two reasons why Israel addressed and incorporated so few recommendations: the absence of a high-ranking political official to back OGP efforts; and hesitancy by the government to commit to ambitious plans.

A review of the commitments from both action plans shows a lack of ambition from the government. For instance, the first action plan included a commitment to establish an FOI Unit in the Justice Ministry while the second action plan includes a commitment to regularize the Unit's status and authority. IRM researchers believe this regularization should have been completed in the first action plan; three years hence should see more ambitious commitments. Other commitments also were carried forward without major changes, such as the establishment of a measurement system that was copied into the second action plan with the mere objective of measuring "the Public's Satisfaction with Government Services and the Quality of

Service in the Various Channels." These unambitious commitments do not seek tangible changes in the openness of Israel's government. They merely seek evaluation of the situation and arrangements that may support openness in the future. This lack of ambition is further illustrated by what is also an additional cause for inertia, the fact that there is not a strong political leader leading OGP efforts.

One IRM recommendation was to assign a new leader to revive the Open Government Forum. A new leader for OGP efforts was indeed appointed, but he is not a political figure of the highest rank. Recommendation 3 was integrated into the second action plan through the commitment to implement a central FOI website. Furthermore, the actions described in Recommendation 5 of the first progress report were not effectively addressed or integrated into the second action plan. Very few tools were developed for public participation. Proactive disclosure of information was achieved regarding government procurements, and retrieval tools for this information were set in place as is described below in review of Commitment 3.

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1 Cabinet Resolution 2097 of the 33rd Government (10 Oct. 2014).

<http://www.pmo.gov.il/Secretary/GovDecisions/2014/Pages/dec2097.aspx>

2 Deputy Head of the Unit) phone interview, 14 Nov. 2016.

3 PMO official phone interview. Jun. 2015.

4 Cabinet resolution 4515.

5 The meeting was held 30 Aug. 2016 at the "NGOs House" in Tel-Aviv. [Citation needed for the "farce" quote.]

### III. Analysis of action plan contents

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

#### What makes a good commitment?

Recognising that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyzes them for their first year of implementation.

While most indicators used to assess each commitment are self-explanatory, a number deserve further explanation.

- **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
  - High (Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective)
  - Medium (Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective)
  - Low (Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be)
  - None (Commitment language contains no measurable activity, deliverables or milestones)
- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance of the commitment to OGP values are:
  - Access to Information: Will government disclose more information or improve quality of the information disclosed to the public?
  - Civic Participation: Will government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - Public Accountability: Will government create or improve opportunities to hold officials answerable to their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?<sup>1</sup>
- **Potential impact:** The IRM is tasked with assessing the *potential impact* of the commitment, if completed. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and

- Assesses the degree to which the commitment, if implemented, would impact performance and tackle the problem.

**Starred commitments** are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.<sup>2</sup>
- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Based on these criteria, Israel's action plan did not contain any starred commitments

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Israel and all OGP-participating countries, see the OGP Explorer.<sup>3</sup>

### **General overview of the commitments**

Israel's second action plan was published in May 2015. The action plan is largely built on the continuation or extension of pre-existing efforts from the country's first action plan. It consists of nine commitments ranging from more traditional FOI-related commitments to technological matters.

## Commitment 1. Regularizing the Status and Authorities of the Governmental Freedom of Information Unit (FOI Unit)

### Commitment Text:

To adapt the Governmental Freedom of Information Unit's authorities to the enforcement challenges related to freedom of information.

Status quo or problem/issue to be addressed: Currently the authorities of the Governmental Freedom of Information Unit are outlined in a Government Resolution rather than by law. Its authority is limited solely to government offices and only to those subjects covered by the Freedom of Information Law.

It was determined in the Government Resolution that two years from the establishment of the Governmental Unit, the Ministry of Justice would be required to examine the unit's methods of operation.

Main Objective: To increase the implementation and enforcement of the Freedom of Information Law

### Milestones:

1.1 To have the Ministry of Justice determine a fundamental position on this subject.

1.2 To implement the steps needed to regularize the status of the Governmental Freedom of Information Unit in accordance with the government's position.

**Responsible institution:** Ministry of Justice

**Supporting institution(s):** NA

**Start date:** June 1, 2015  
2017

**End date:** October 1,

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
1. Overall													No				
1.1.Position of the Ministry of Justice					Unclear								No				
1.2.Regularization of the FOI Unit													No				

### **Context and objectives**

As indicated in the description of the Status Quo, the FOI Unit has limited authority. In addition, the Government had committed to review the FOI Unit's mandate two years after its creation. However, to date, the government has failed to do so. The current Unit's mandate greatly restricts its ability to promote the implementation of the FOI law. The Unit has no authority over local government and no authority to review officials' refusals to release information on its merits (rather than on technicalities).<sup>4</sup>

Although increasing implementation and enforcement of the FOI law is a very important initiative and relevant to the OGP value of access to information, the commitment's objective is vague. The commitment is to adapt the Unit's authority to "the challenges related to FOI." However, the commitment's language does not determine the nature of these challenges. What kind of adaptation will be made? How will its impact be measured? Finally, the IRM researchers can only construe from the language that activities related to regularization will take place but without details of how, when or what the activity entails.

If the FOI Unit were given an adequate mandate and authority, it could have a substantial impact on implementing the access to information law. However, at this point, the commitment outlines a process to discuss regularization of the unit's mandate. There is substantial distance between this general discussion to defining actual specific mandates, creating supporting regulations and then enforcing these laws; the potential impact of this commitment minor.

### **Completion**

Researchers found very little evidence of the commitment's implementation.

The first milestone is "to have the Ministry of Justice determine a fundamental position on this subject." The researchers question whether a general intention to determine a position is specific enough to assess. IRM researchers were informed by government officials of discussions going on within the ministry regarding its position on the matter. At the time of this report, there was no available draft of such a position presented to the public, nor could the researchers identify any evidence of such a draft through interviews with government officials. The only available testimony that IRM researchers were able to collect on this matter was a general comment made by the Director General of the Justice Ministry, in April 2016, about her intent to look into the matter in the coming year. Additionally, the Unit's annual work plan includes the passage of a government resolution adding more authority to the Unit during Q4 2016.<sup>5</sup>

Given that Milestone 1.1 has yet to be completed and the regularization process is yet to be formalized, this action was not started during the first year of implementation. The commitment overall is delayed in its implementation.

### **Early Results (if any)**

The commitment has not begun to be implemented.

### **Next Steps**

The IRM researchers recommend that during the second year of implementation, the government take steps to prioritize the process to determine its position on the matter.

To do this, the IRM researchers suggest the following:

1. Invite the public to make comments on the Unit's scope of authority, while publishing government deliberations on this matter (including comments on draft proposals at the time of the formation of the Unit).
2. The government could designate two to four months for public consultation and response to proposals on the unit's authority and a subsequent draft resolution. The government would therefore be in a better position to vote on a resolution that either commits the unit to regulated authority or supports the unit.

For the next action plan, IRM researchers recommend the government consider following the widely accepted practice of an independent information commission outside of the governmental hierarchy.<sup>6</sup> Such independent authority should have legal powers to regulate government activities in the course of opening itself up to public scrutiny.

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1 "Open Government Partnership: Articles of Governance," (June 2012, updated April 2015), [http://www.opengovpartnership.org/sites/default/files/attachments/OGP%2520ArticlesGov%2520Apr%252021%25202015\\_0%5B1%5D.pdf](http://www.opengovpartnership.org/sites/default/files/attachments/OGP%2520ArticlesGov%2520Apr%252021%25202015_0%5B1%5D.pdf).

2The International Experts Panel changed this criterion in 2015. For more information see "IRM to Raise the Bar for Model Commitments in OGP," (Independent Reporting Mechanism, 6 May 2015), <https://www.opengovpartnership.org/node/5919>.

3 "OGP Explorer" (Open Government Partnership, Dec. 2016), [bit.ly/1KE2WII](http://bit.ly/1KE2WII).

4 See report on the objection by the interior ministry to allow the unit to supervise FOI matters in local authorities: Sharon Pulver, "Interior Ministry Shock increasing transparency in local government" (15 Sept. 2016), [www.haaretz.co.il/news/politi/.premium-1.3068627](http://www.haaretz.co.il/news/politi/.premium-1.3068627).

5, <http://www.justice.gov.il/Units/YechidatChofeshHameyda/Report2015/index.html>.

6 The benefits of such mechanisms are well documented. See Laura Nueman, *Enforcement Models: Content and Context*, Access to Information Working Paper Series (The World Bank, 2009).

## Commitment 2. Increasing Use of Central Website for Freedom of Information

### Commitment Text:

To expand the information on the central freedom of information website and increase awareness and use of the site.

Status quo or problem/issue to be addressed: The main Freedom of Information website went online in January 2014 (foi.gov.il), and allows people to contact many authorities on one website. In addition to contact information of authorities and department heads, the website serves as the main platform on which information already provided by the authorities, as well as information about agreements and contracts with private parties on matters as outlined in Government Resolution No. 1116 of December 29, 2013, is consolidated.<sup>1</sup>

Now that the website is online, the challenge is to increase awareness of its existence and to encourage its use both by the public and by the public authorities.

Main Objective: To make it easier for the public to find information and submit requests in accordance with the Freedom of Information Law.

### Milestones:

2.1 To create a continuous practice of uploading information (answers, agreements and permits) to the website.

2.2 To expand the information base on the website and improve access.

**Responsible institution:** Ministry of Justice – Freedom of Information Unit

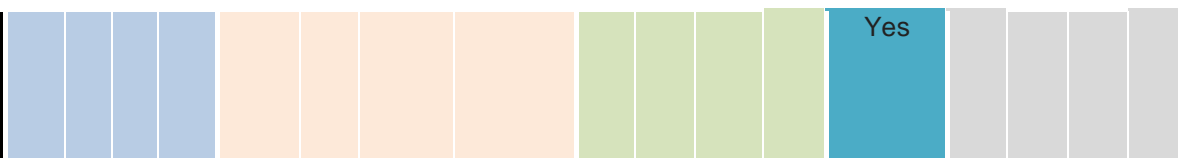
**Supporting institution(s):** E-Government Unit

**Start date:** January 1, 2015  
January 1, 2016

**End date:**

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
2.1. Continuous practice of uploading information to the website													Yes				

## 2.2. Expansion of information and improve access to website.



### Context and objectives

The technical procedures for filing an FOI request are a significant obstacle to individuals with no prior relevant experience who attempt to use the law.<sup>2</sup> This commitment aims to simplify the process of filing FOI requests with the government and make the information requested and disclosed in the past more readily available. Furthermore, this commitment is relevant to OGP values as it promotes the usage of an FOI law as a tool of open-government. However, the overall objective and proposed milestones of the commitment are not detailed and not clearly measurable.

In addition, the milestones do not clearly relate to the commitment and its objective which mentions the limitations imposed on FOI submissions. The objective discusses "public awareness" efforts to facilitate the public's ability to find information. However, the milestones only address uploading information and the consequential expansion of the information base; no mention is made of simplifying the FOI request process.

Should this commitment be properly implemented, it would have a moderate impact on addressing the bureaucratic hurdles in the path of information seekers.

### Completion

This commitment is on track as scheduled with substantial actions taken to comply with its objective. Firstly, the government held a public awareness campaign in the media aimed at raising awareness of the website and the types of information obtainable through the website.<sup>3</sup> Although the campaign is not mentioned as a commitment milestone, it consisted of radio and Facebook ads in which the public was encouraged to ask for governmental information using the new website.<sup>4</sup> It generated an increase of nearly 100% in traffic to the unit's website, from approximately 180 unique visitors per day to approximately 350.<sup>5</sup> Secondly, the FOI unit began to regularly upload documents provided through other FOI requests.<sup>6</sup>

The government reports a 67% increase in FOI requests filed online and an addition of 620 documents uploaded.<sup>7</sup> Furthermore, the government reports 1,700 requests were filed through the website. However, out of thirty-six ministries in Israel, only four ministries uploaded replies to approximately 50 FOI requests in the period between January 2014 and May 2016.<sup>8</sup> As many FOI replies consist of several documents, the total number of 620 uploaded documents is not high compared with the volume of requests. Therefore, there has only been an improvement in the FOI requesting process and not in the actual access to information. This is reflected in the researchers' assessment of the second milestone as being substantially completed.

Many site users, including non-governmental organizations, were satisfied with the site and its usability. During interviews conducted by the IRM researchers, civil society representatives expressed that the site is useful and rich with information.<sup>9</sup> In particular, during one interview, the legal adviser to the Movement of Freedom of Information in Israel said the site is updated frequently and its statistics tools are useful.<sup>10</sup>

## Next Steps

This commitment has the potential to be completed in a timely manner. In future action plans, or in other efforts by the government, this commitment could benefit from considering a binding framework to publish all replies to FOI requests on the FOI website. Additionally, with the regularization of the FOI unit, this commitment could also seek to accept payments through the site as a way to improve citizen's use of the website.

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1 The resolution titled "Publication of Permits and Contracts between the State and Private Bodies" orders the proactive publication of such contracts in all government ministries.

2 Bureaucratic obstacles are an issue in many countries with FOI legislation, but even more so in Israel. The Global Right to Information Rating gives Israel a score of 66 out of 150, and only 12 points out of possible 30 for its requesting procedures. "Global Right to Information Rating" (Access Info and the Centre for Law and Democracy, 2015), [www.rti-rating.org](http://www.rti-rating.org).

3 For campaign activities see "Freedom of Information Week" (Ministry of Justice, 14 May 2015), [www.justice.gov.il/Publications/Articles/Pages/FOIWeekMay2015.aspx](http://www.justice.gov.il/Publications/Articles/Pages/FOIWeekMay2015.aspx).

4 The radio ads were aired over 300 times on two national Hebrew-speaking and one Arab-speaking radio stations. Facebook ads were viewed by 159,000 users.

5 <https://goo.gl/ZfD8ya>.

6 As of 29 Nov. 2016, government agencies uploaded a total of 534 documents in response to FOI requests. The provided documents are not proportional to government offices. For example, are three times more documents uploaded from Israel's 6th largest municipality than from the country's Ministry of Education, an authority of much wider public interest. Ministry of Justice – Government Freedom of Information Unit, 29 Nov. 2016), [https://foi.gov.il/he/search/site/?f\[0\]=im\\_field\\_mmdtypes%3A15](https://foi.gov.il/he/search/site/?f[0]=im_field_mmdtypes%3A15).

7 National Open Government Plan 2015-2017: Midterm Report: Meeting the Action Plan Objectives, (Government of Israel, Sept. 2016), [www.opengovpartnership.org/sites/default/files/Israel\\_Mid-Term-Self-Assessment-Report\\_2015-17\\_EN.pdf](http://www.opengovpartnership.org/sites/default/files/Israel_Mid-Term-Self-Assessment-Report_2015-17_EN.pdf).

8 "What is the Freedom of Information Act?" (Ministry of Justice - Government Freedom of Information Unit, 16 Sept. 2016), <https://foi.gov.il>.

9 Or Sadan (Legal Advisor at the Movement for Freedom of Information in Israel) interview 28 Nov. 2016.

10 Legal Advisor of the Movement of Freedom of Information in Israel) interview Nov. 2016.

## Commitment 3. Increasing Transparency Regarding Contracts between the State and Private Bodies

**Commitment Text:** To expand the information accessible to the public in the area of contracts and state expenditures.

Status quo or problem/issue to be addressed: On June 1, 2014, a Government Resolution took effect obligating government offices to publish contracts and permits made regarding the use of public resources or the provision of services to the public on the main freedom of information website. The Governmental Freedom of Information Unit must confirm that the Government Resolution is optimally implemented.

In addition, the Unit works in conjunction with the Accountant General's division in the Ministry of Finance to improve the quality of information made accessible to the public in the area of State expenditures.

Main Objective: To increase transparency

### Milestones:

3.1 To supervise the implementation of the Government Resolution;

3.2 To help implement changes in the reporting system for State expenditures (Merkavah);

3.3 To set standards for reporting State expenditures on an ongoing basis.

**Responsible institution:** Governmental Freedom of Information Unit, Ministry of Justice

**Supporting institution(s):** The Accountant General, Ministry of Finance

**Start date:** June 1, 2014

**End date:** June 1, 2015

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
3.1. To supervise the implementation of the Government Resolution													Yes				
3.2. To help implement																	

changes in the reporting system for State expenditures (Merkavah)												Yes				
3.3 To set standards for reporting State expenditures on an ongoing basis												Yes				

### Context and objectives

Government ministries spend billions of New Israeli Shekels through contracts with private entities. Details of these contracts were available prior to this commitment only through formal FOI requests which involved a cumbersome bureaucratic process. In practice, this information is not available for accountability supervision or public discussion.<sup>1</sup>

The commitment aims to facilitate access to relevant information in the area of contracts and state expenditures.

The commitment would benefit from greater specificity. The proposed milestones have low specificity since they focus on supervision and support processes or standard setting. Additionally, the language of the commitment describes activities that can be construed as verifiable but require some interpretation on the part of the reader to identify measurable deliverables.

The commitment was completed in 2015. Therefore, the commitment's expansion of accessible information regarding contracts and state expenditures had a moderate impact on the publication of government contracts. However, a more ambitious commitment with more specific milestones could lead to actual results on a larger scale than what has occurred so far. Given that this commitment's milestones have low specificity, it is easily presented as a completed commitment. A better level of specificity would help improve the commitment's impact.

### Completion

The commitment was largely completed. The supervision of the implementation of the relevant government resolution (Milestone 3.1) was carried out by the Freedom of Information Unit in the Ministry of Justice as part of its overall responsibility for this commitment. The supervision is done by the unit when it follows the flow of contracts uploaded by the various agencies through its own website and reports to the public about each ministry's implementation. This report appears on the unit's website in clear manner.<sup>2</sup> It should be noted that in this regard, the only ministry that has begun implementing the government resolution is the Prime Minister's office itself, and another sub-ministry within the Prime Minister's office, the Office for Strategic Affairs and Propaganda.<sup>3</sup>

To implement Milestone 3.2, the Freedom of Information unit cooperated with the Finance Ministry to adapt the governmental cross-agency reporting system so that it now regularly issues quarterly reports uploaded by government agencies.<sup>4</sup>

Finally, Milestone 3.3 was completed with the publication of guidelines issued by the FOI unit as well as a series of meetings between unit professionals and the government agencies to support them in publishing agency information.<sup>5</sup>

It should be stated that following the implementation of this commitment, the government went further and brought upon the actual publication of line-item expenditures of many government agencies, a move which in itself is a majorly positive outcome, as described below.

### **Early Results (if any)**

As a result of this commitment, the required technological adjustments were made to the information systems of 70 government agencies. These adjustments now allow agencies to upload data to the open data system. As a result of this commitment, 80% of these agencies do actually upload the required information in regard to expenditures.<sup>6</sup> Other agencies also upload required contracts, although their participation is much lower and of a more limited scale. In total, only 335 contracts are accessible to the public online. Most of them were made available in the period after the official end date of the commitment.<sup>7</sup> However, while many agencies uploaded these documents, the total percentage of contracts available online remained very limited, as noted by the FOI unit.<sup>8</sup>

It is worth noting that the Prime Minister's office is not among those 80% presenting its expenditures to the public, nor has it uploaded any of its contracts.<sup>9</sup> The IRM researchers find that this may present a harmful message to those in charge of reporting for other agencies as the implementation of the government resolution goes forward.

### **Next Steps**

The IRM researchers recommend taking this commitment a step forward in the next action plan. Future commitments could make clear, specific and measurable goals in terms of:

- The volume of contracts published (as percentage of all government contracts); and
- Streamlining the publication process to avoid unnecessary delays and complicated consideration processes on a per-contracts bases.

It is further suggested that clear goals be set for a date in which all government expenditures be available to the public online and that information be made available in near-to-real time and in formats more easily accessible than the current XLS files uploaded once every three months.

In addition, this commitment should go beyond offering access to information. The IRM researchers consider that with this commitment, the government can move towards higher government accountability. Moving to develop tools for citizen empowerment would be an ideal manifestation for this goal, which at the end also encourages the use of such data.

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1 For instance, the total amount of published ministerial procurements for the first quarter of 2016 exceeds 4.2 billion NIS (1 NIS = 0.26 USD as of 11 Nov. 2016). <https://foi.gov.il/node/2407>.

2 Ibidem.

<http://www.justice.gov.il/Units/YechidatChofeshHameyda/PeilotHayehida/DohotHayhida/ReportsPro/Pages/hitkashrout2016.aspx>.

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3 "What is the Freedom of Information Act?" (Ministry of Justice - Government Freedom of Information Unit, 16 Sept. 2016), <https://foi.gov.il>.

4 Ibid.

5 <https://goo.gl/Aslehu>; see the FOI Unit report on implementing the government resolution ordering the publication of contracts:

<http://www.justice.gov.il/Units/YechidatChofeshHameyda/GlobalDocs/Update1116.pdf>.

6 Ministry of Justice: Government of Freedom of Information Unit, 7 Mar. 2017), [https://foi.gov.il/he/search/site/?f\[0\]=im\\_field\\_mmdtypes%3A349](https://foi.gov.il/he/search/site/?f[0]=im_field_mmdtypes%3A349); available at: <https://goo.gl/h7IK5J>.

Ministry of Justice: Government of Freedom of Information Unit, 7 Mar. 2017, [https://foi.gov.il/he/search/site/?f\[0\]=im\\_field\\_mmdtypes%3A349](https://foi.gov.il/he/search/site/?f[0]=im_field_mmdtypes%3A349).

7 View note 7's foi.gov link

8 <https://foi.gov.il/node/2407>.

9 For a report on agency compliance, see "Advertising report quarterly engagements," (Ministry of Justice, 2017), [www.justice.gov.il/Units/YechidatChofeshHameyda/PeilotHayehida/DohotHayhida/ReportsPro/Pages/hitkashrout2016.aspx](http://www.justice.gov.il/Units/YechidatChofeshHameyda/PeilotHayehida/DohotHayhida/ReportsPro/Pages/hitkashrout2016.aspx).

## Commitment 4. Establishing a Unified Website for Government Offices

**Commitment Text:** To establish a unified website for government offices, provide a complete user experience and standardized service.

Status quo or problem/issue to be addressed: Currently in Israel there are many government websites. Various countries around the world have worked to unify government websites, a step that will improve the accessibility of information and services to citizens in an optimal manner, while at the same time leading to considerable savings.

Main Objective: To make government information and services more accessible through a unified government website

### Milestones:

4.1 To formulate a plan to establish the website and get the public to participate

4.2 To upload a preliminary version of the unified website

**Responsible institution:** E-Government unit, Government ICT Authority, Prime Minister's Office

**Supporting institution(s):** Digital Israel Bureau, Government offices and auxiliary units

**Start date:** January 1, 2015  
2016

**End date:** June 1,

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
4.1. To formulate a plan to establish the website and get the public to participate													Yes <input type="checkbox"/>				
4.2. To upload a preliminary version of the unified website													Yes <input type="checkbox"/>				

### Context and objectives

This commitment aims to improve the level and development of government services to the public. Previously, Israeli ministries published information online and provided

services through their websites without meeting common standards for service delivery. Many of those websites were incompatible with popular web browsers and not regularly updated. According to the Quality of Government Services Index, government services provided online received a ranking of 67 out of 100, the lowest rank of all forms of government services for 2014.<sup>1</sup>

This commitment is relevant for access to information in Israel. The new website will eliminate practical and technical issues that previously limited free access to information. However, a new government's website by itself does not ensure such increased access.

The commitment includes milestones with verifiable yet vague language. The first proposed activity consists only of the formation of a plan without any details on its execution or implementation. The second milestone is more specific, but still far from clear as to what the website will include.

If fully implemented, this commitment will be an incremental but positive step in improving public service provision in Israel. It will depend, however, on the specific content of the website and its usage by the citizens. The resulting website usage will be assessed in the end-of-term report.

### **Completion**

Both of the commitment's milestones were completed during the first year of implementation. The "preliminary version" of the unified website became available on March 2016.<sup>2</sup> The site is now available in Hebrew with one feature of the site also available in English.<sup>3</sup> While more than a "preliminary version" of the unified website was available by the commitment's end date, the IRM researchers consider the website's use to be limited.<sup>4</sup> The draft of government interim self-assessment report discusses difficulties convincing ministries to join the website. In an interview with the researchers, government officials said that many ministries are accustomed to creating their own websites around their respective organisational structures; the ministries are having difficulty with the conceptual shift required to join the unified website. In this regard, joining a new site presents a shift in traditional perspectives toward a website based on citizens' needs and expectations.

### **Next Steps**

The IRM researchers recommend that this commitment is not taken forward into future OGP action plans. The "gov.il" website is not specifically targeted at opening up government. It can indeed be used for that purpose, but if that is the government's choice, the specific actions carried out within the site that promote openness should appear as "stand alone" commitments. A government website can be used to make government services more accessible (such as offering online forms to be filled by citizens instead of physically visiting offices of government agencies), it can be used for propaganda matters (for instance online publication of press releases), it can be used for many other purposes which are not necessarily related to OGP values. Therefore overall improvements to the government website should not appear as a commitment in an action plan.

However, if the government decides to continue this initiative, the IRM researchers recommend that it includes clear specific language that includes:

- How the use of the site will improve access to government datasets;
- What new opportunities will be available for public participation in government decision-making through the website;

- A clear objective and a list of the desired content; and
- New tools for public participation so citizens might engage with the website.

## Commitment 5. Data.gov

**Commitment Text:** To map existing databases, improve the technological platform to make them more accessible and encourage the public to use the databases.

Status quo or problem/issue to be addressed: The goal of the project is to improve public service and encourage the creative use by the public, academia and the Government of government databases. To date, more than 240 databases have been published as a result of the joint activity of more than 30 government offices. Based on these databases, dozens of applications for the public's benefit have been developed.

Main Objective: To increase exposure of government databases for public use.

### Milestones:

5.1 To encourage offices to publish new government databases

5.2 To improve the quality of published databases

5.3 To conduct a dialogue with the public of developers and set requirements for the databases

5.4 To map main databases in government offices

**Responsible institution:** E-Government unit, Government ICT Authority, Prime Minister's Office

**Supporting institution(s):** Government offices and auxiliary units

**Start date:** January 1, 2011  
June 1, 2015

**End date:**

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
5.1 To encourage offices to publish new government													Yes <input type="checkbox"/>				

databases																			
5.2. To improve the quality of published databases														Yes					
5.3 To conduct a dialogue with the public of developers and set requirements for the databases														Yes					
5.4 To map main databases in government offices														Yes					

### Context and objectives

The Israeli government operates a large amount of government databases but these are not easily accessible by the public.<sup>5</sup> Only a limited number of databases are available for public use by civil society organizations or private entities.

According to government officials and NGO representatives, this commitment had two major goals:

- Promote the publication of a significant volume of government databases that were previously unavailable; and
- Publish government databases in an open format that allows non-governmental entities (for-profits and not-for-profits) to reuse this information to offer new services to the public.<sup>6</sup>

The milestones in this commitment use vague, unambitious language. Encouraging officers to take actions or merely “conduct dialogue” to promote that action is a casual approach toward publishing governmental databases.

In addition, in comparison to the results addressed by this commitment in 2012, the results from this second action plan indicate a lack of conviction by the government to release databases on a large scale. For the IRM researchers, it would be important to consider more binding measures that require public entities to disclose this information. A major step forward in this direction was made in government resolution 1933 of August 2016, which requires all government ministries to open all their datasets as of 2022. In this regard, the IRM researchers consider that closely monitoring implementation of the resolution is needed, especially for the required preparatory measures. The resolution includes several datasets that are to be opened in 2017. The selection of these datasets, according to the IRM researchers' findings, includes information already readily available (such as landing and departure times at Israel's main international airport), real-time information on the national railway system and budgets of local authorities. Public Knowledge Workshop, a leading CSO in the field, commented that "many important dataset identified can be easily opened up easily and there is no need to wait until 2022".

If implemented completely, this commitment would be a major step forward in increasing access to government databases. It would offer the private sector and NGOs robust tools to promote their commercial or social goals through using publicly available government data. However, as currently worded, the commitment contains activities that are limited in scope.

## Completion

The number of datasets uploaded to the site increased by 50%, with approximately 200 datasets available during the first year of implementation.<sup>7</sup> According to interviews with relevant government officials and CSOs who took part in the process, government officials that engaged in this process worked to convince ministries to open up their databases.<sup>8</sup> At the time of this report, the IRM researchers could not find any statement or document that legally enforced ministries to publish government databases. Resolution 1933 enacted measures for enforcement that will be implemented by 2022. CSOs representatives were satisfied with their level of involvement in the initial consultation process of considering which databases to prioritize.<sup>9</sup> They were invited to two meetings with a Prime Minister's Office official to discuss these matters. Members of academia were also present. Yet, after presenting their views, they heard no feedback from the government. One NGO leader mentioned that a few months later he "received a phone call from a senior official in the Prime Minister's office, informing that tomorrow they will pass a government resolution declaring the opening up of databases. He asked [him] that [the] organizations show support of the government, but this had little to do with the discussions [they] were invited to and [they] were not part of the process afterwards which eventually led to a very different outcome."<sup>10</sup>

## Next Steps

The IRM researchers recommend taking this commitment forward in the next action plan. However, this new commitment would benefit from:

- More specific goals as to the scope of datasets to be disclosed;
- A public campaign to inform citizens of the availability and accessibility of the information; and
- Political support in order to overcome reservations from some government agencies and to give these intentions binding government power through concrete government resolutions.

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1 <https://www.gov.il/exfiles/dochtikshuv/2015/index.html#567-566/z>.

2 <https://goo.gl/Fqx4Hw>. The IRM researchers verified the website's availability on 30 Jun. 2016.

3 [www.gov.il](http://www.gov.il).

4 Two ministries joined the site upon its March 2016 launch and thirteen more ministries were scheduled to join in 2016. However, according to a review of the website on 19 November 2016, only six more ministries and agencies (out of a total 55) had joined so far. See: <https://www.gov.il/he/departments>.

5 The exact number is unknown, even to the government itself. Resolution 2985 required ministries publish a list of all their databases within 90 days. "Using government data, reprocessing and development by the public and for the public good." (32nd Government, 14 Mar. 2011), [www.pmo.gov.il/Secretary/GovDecisions/2011/Pages/des2985.aspx](http://www.pmo.gov.il/Secretary/GovDecisions/2011/Pages/des2985.aspx). However, the government never fully implemented this resolution. In September 2016, the government again passed a resolution requiring ministries to end mapping their databases by the end of 2017. The government CTO to whom ministries will report these database inventories, stated, "As of now, we don't even know what databases exist." Omar Kabir, "Government databases are transparent to the public by default," (Kalkalist, 1 Sept. 2016), [www.calcalist.co.il/internet/articles/0,7340,L-3696908,00.html](http://www.calcalist.co.il/internet/articles/0,7340,L-3696908,00.html). While Israel has only published some 300 databases as of late 2016, other countries have published up to hundreds of thousands of databases. "The Financial Value of Data Driven Innovation" (DeLoitte, 2016), 64, <https://goo.gl/1JuJUI>.

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6 Representatives of the Public Knowledge Workshop and the Movement for Freedom of Information, Stakeholders' Meeting in Tel-Aviv, 28 Aug. 2016 and Shevy Korzen Head of Public Knowledge Workshop phone interview on 11 Feb. 2017.

7 See data.gov.il.

8 Interview with Ilana Pinchu (Member of PMO), 25 Sept. 2016. Tomer Lotan (Head of the Center for Empowerment of Citizens in Israel) phone interview on 14 Nov. 2016.

9 As reported at the Stakeholders' Meeting, 28 Aug. 2016.

10 Name withheld for anonymity (Head of a prominent CSO) phone interview on Dec. 2016.

## Commitment 6. To Measure the Public's Satisfaction with Government Services and the Quality of Service in the Various Channels

**Commitment Text:** To measure the quality of services provided to the public by government offices.

Status quo or problem/issue to be addressed: The Government has yet to conduct a broad examination of the quality of services provided to the public. Only a small portion of the bodies examined themselves with regard to this aspect and each in a different manner.

Main Objective: To improve service to the public by creating standardization, while defining reference points to provide excellent government services and using them as an administrative tool to focus resources and for learning.

### Milestones:

6.1 To measure ten large bodies that provide service to the public.

6.2 To publish the annual report for 2014.

6.3 To expand the assessment to all bodies that provide extensive face-to-face services (excluding hospitals).

6.4 To examine the methods used by various countries to expand the assessment to additional bodies and to increase the assessment of existing ones beginning in 2017.

**Responsible institution:** Unit for the Improvement of Government Public Services, Government ICT Authority, Prime Minister's Office

**Supporting institution(s):** NA

**Start date:** January 1, 2014  
31, 2015

**End date:** December

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
6.1 To measure ten large bodies that provide service to the public					Unclear								Yes				

6.2 To publish the annual report for 2014													Yes <input type="checkbox"/>				
6.3 To expand the assessment to all bodies that provide extensive face-to-face services (excluding hospitals)													No <input type="checkbox"/>				
6.4 To examine the methods used by various countries to expand the assessment to additional bodies and to increase the assessment of existing ones beginning in 2017													Yes <input type="checkbox"/>				

### Context and objectives

Israel has been collecting information regarding the quality of public services since 2010. Prior to this effort, there was no statistically viable information to assess public satisfaction or dissatisfaction with government services, which hindered government efforts to identify and correct public service problems. However, while measurement now exists, the government does not examine all government agencies. This commitment aims to provide all government officials with statistical information on perceptions of the quality of all public services provided by their agencies.

While this commitment may improve public services, the IRM researchers found it irrelevant to the four core OGP values.<sup>1</sup> This commitment only collects statistical data on services and it is an internal procedural commitment. It has only one public-facing element: the issuance of a publicly available report of the survey's outcomes. Yet, this is not the focus of this commitment. The commitment only documents government activities, it does not make available any new category of information. Therefore, the milestones have no potential impact on opening government.

### Completion

The 2014 annual report was published in December 8, 2015, containing the results of twelve public service providers; these twelve were an increase from the ten indicated in the first milestone of the commitment.<sup>2</sup> The annual report gave separate measuring efforts for separate units within government agencies in Israel. For instance, within the Ministry of Justice, four different units were measured, while only three units were measured within the tax authority. While this study does not encompass a major part of Israel's 22 ministries and numerous government agencies, according to the unit in charge of the selection, the measured units were

chosen because they are major "street-level" providers of services to citizens.<sup>3</sup> The measuring process was done primarily through polling citizens that used government services either online, over the phone, or face-to-face.

According to an interview with a government official, the second phase of measurement included 15 more government agencies.<sup>4</sup> Thus, the goal of measuring the service in "all bodies that provide extensive face-to-face services" was limited in its level of completion, however according to the head of the unit conducting the measuring, these agencies cover "more than 80%" of those providing "extensive services" to "a large portion" of the population<sup>5</sup> Furthermore, the government has not conducted research on the international assessment methods for public service quality as indicated in the commitment.

### Next Steps

The IRM researchers suggest not including this commitment in future OGP action plans. The commitment is not clearly related to OGP values. It does not promote openness in government, with the exception of the public reporting of the surveys. As currently presented, these reports are a by-product of the main commitment, which in itself does not promote access to information, civic participation or innovation and technology at the service of transparency. The reporting of surveys itself is indeed related to access to information, but it is a limited activity which would appear as an unambitious commitment by itself in a national action plan.

Alternatively, this commitment could serve as the basis for a commitment where the public responds to the polling conducted under the commitment's text. The commitment might also benefit by more robust accountability components. An example for the suggested public involvement could be participation in setting benchmarks for governmental service providers, and a governmental commitment to respond to such demands. Accountability components can also include sanctions against government units and officials who fail improve over time or inquiries together with public representatives into the sources of failures to provide adequate services.

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1 Although government findings argue that this is not an acute problem, as the government services overall enjoy positive feedback from users. This is expressed in the 2014 quality of government services index (see above, fn. 15).

2 <https://www.gov.il/exfiles/dochtikshuv/2015/files/assets/common/downloads/publication.pdf>.

3 Tamar Peled-Amir (Member of the Society and Governance Division in the PMO) interview, 28 Sept. 2016.

4 Interview with Ms. Ilana Pinchu of the PMO in interview in Tel-Aviv, September 25, 2016.

5 As mentioned in government comments received to draft version of this report on March 13, 2017.

## Commitment 7. Increasing Transparency of Information Regarding Legislation

**Commitment Text:** To consolidate all the State laws and relevant documents on the Knesset website.

Status quo or problem/issue to be addressed: The Knesset resolved to act to increase transparency of information regarding legislation and the relevant documents – drafts of proposed legislation and protocols of the plenary and the committees, as well as to prepare an up-to-date draft of the laws of the State of Israel.

Main Objective: To increase transparency of the process and documents related to legislation

### Milestones:

7.1 To expand the Knesset website so that it includes all the State laws and relevant documents (earlier versions of the law, relevant amendments, plenary protocols)

7.2 To hold meetings with civil society organizations to hear requests and ideas to expand the information presented and how it is made accessible to the public.

7.3 To expand the Knesset website and present proposed legislation in the legislative process.

7.4 To develop an integrated system for presenting the totality of all legislation.

**Responsible institution:** Israeli Knesset

**Supporting institution(s):** Ministry of Justice

**Start date:** July 1, 2013  
30, 2017

**End date:** June

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
7.1 To expand the Knesset website so that it includes all the State laws													Yes				

and relevant documents (earlier versions of the law, relevant amendments, plenary protocols)																	
7.2 To hold meetings with civil society organizations to hear requests and ideas to expand the information presented and how it is made accessible to the public													Yes				
7.3 To expand the Knesset website and present proposed legislation in the legislative process													Yes				
7.4 To develop an integrated system for presenting the totality of all legislation													Yes				

### Context and objectives

Prior to this commitment, there was no government website or database with the complete collection of Israeli legislation that was open and free to the public at large. Legal documents were accessible only in public libraries or through private reports that required expensive subscriptions and were available only to law firms and academics, although some of these were part of free access sites. Citizens could not easily access or consult on the legislation without significant financial costs. Some of this legislation was accessible in different sites without any specific integration. This commitment intends to make legal documents more accessible and unrestricted to the overall population in Israel. Free, open access allows citizens to learn about their rights and duties more easily, to understand the laws controlling their lives and society, and to more easily engage in Israeli public discourse that is heavily dependent on legal institutions.

This commitment is objectively verifiable by examining the legislation database on the Knesset website.<sup>1</sup> However, the commitment lacks measurable benchmarks or achievements. The commitment affects access to information as it provides citizens with tools to engage with the government on current legislation and previously

drafted instruments. It empowers citizens by making the legal discourse, which dominates Israel's public affairs, more accessible to them.

The potential of this commitment is moderate. On the one hand, it dramatically reduces the difficulties that existed in the past to access legislation. On the other, in reality, genuinely interested individuals could have obtained most of the relevant information either through subscription services, various government websites (each website presenting agency-specific legislation) or unofficial initiatives (such as the "wikitext" initiative – "Israel's open legislation book").<sup>2</sup> Therefore, while the commitment is a significant contribution toward comprehensive public access to information, it falls short of transforming 'business as usual' access to legal and policy documentation in Israel.

### **Completion**

From a review of the legislation database in the Knesset website, the IRM researchers concluded that the first milestone of the commitment was completed.<sup>3</sup> According to the sampling conducted by the IRM researchers, most of the comprehensive legislation since the foundation of the State of Israel has been included. The website has yet to reach the goal of Milestone 1.4 (totality of all legislation). Indeed, the website states that statutes from the times of the British mandate are yet to be uploaded.

Additionally, consultations with civil society representatives from academia and think tanks were conducted during the design and implementation of the website.<sup>4</sup> However, this process is undocumented and could only be verified by interviews with several individuals who took part in such consultations. According to those consulted by IRM researchers, this was not a structured process though those participating felt they were heard and their ideas were often incorporated into the website development. Additionally, CSO representatives have expressed their satisfaction with the outcome in terms of the usability of the site, especially its comprehensive content and effective search options.

Furthermore, uploading documents other than statute text is substantially completed, at least in regards to legislation from the past decade. These documents include minutes of Knesset committee meetings in which bills were discussed, minutes of Knesset plenary sessions, earlier versions of bills and many non-legislative official announcements. While most of this information was available earlier; the effect of the commitment was to transfer this information to a better designed, organised and free website.

### **Early Results (if any)**

The website is currently operational with the texts of statutes as foreseen by the commitment. Draft legislation and committee minutes from earlier times are still waiting to be integrated to a dedicated area of the Knesset website, though they do appear in other sections of the site.

### **Next Steps**

Given that the site is currently running and the government has indicated that it will soon be completed, this commitment should be implemented in the remaining period of the action plan.

Indeed, this commitment made publicly available in a free, usable and open manner, information of utmost significance – the laws that govern our society and lives.

Before the commitment, such information was available only through expensive subscription services. Yet the researchers stress that open legislation is a very basic notion of democracy. That laws should be made public is not a progressive open-government vision, but a fundamental democratic one. Given that the site is up and running and that the government's midterm report suggests it will soon to be completed, the researchers' view is that this activity, as important and well managed as it may be, should not be part of future OGP action plans.

Future activities can build on this commitment by creating tools for the public to proactively engage with the provided information. For instance, the public might gain the capability to propose legislative amendments to parliament members and use the information on the website to structure and substantiate their arguments. Another improvement could be website tools that enable the public to examine legislative implementation. It should be noted that as of February 2017, the Knesset is launching a new public consultation process to realize these goals.<sup>5</sup>

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1 <http://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawAboutSite.aspx>.

2 <https://goo.gl/b5uLTZ>.

3 <http://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawHome.aspx>,

4 Dr. Tehilla Schwartz-Altshuler (Member of the Israel Democracy Institute) interview on September 2016.

5 This information was reported to the IRM researchers by several CSO representatives invited to partake in the process.

## Commitment 8. Developing a Governmental 'Tool Box' for Public Participation in the Government's Work

**Commitment Text:** To develop online tools to serve government offices in public participation processes.

Status quo or problem/issue to be addressed: To date the Government has provided a range of platforms and tools for public participation, including cooperation with organizations, whether online (the Gov Share platform, based on web 2.0 technology) and in other ways, such as establishing tri-sectoral round tables. More investment is planned in order to expand the 'tool box' for public participation in government offices' activities.

Main Objective: In order to realize the vision of public participation and improve the offices' ability to administer effective participation processes, the Government plans to develop and improve tools and practical and technological applications to integrate participation processes in offices in various forms:

A. To continue developing and operating tools and technological applications to integrate participation processes in offices by E-Government.

B. To establish a pool of operators across the Government, led by the Governance and Social Affairs Department, through the Procurement Administration, which will assist government offices conduct practical and online processes for public participation by purchasing services and making them accessible to the offices.

### Milestones:

8.1 To develop five tools/online applications.

8.2 To establish and operate a pool of suppliers that will assist in administering and implementing online and physical public participation processes by the offices.

**Responsible institution:** Governance and Social Affairs Department, Prime Minister's Office

**Supporting institution(s):** E-Government unit, Prime Minister's Office; Director of Procurement, Ministry of Finance; Government units that comprise the group of potential operators for public participation processes

**Start date:** April 1, 2012  
30, 2016

**End date:** June

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete

Overall												Yes				
8.1. To develop five tools/online applications												Yes				
8.2 To establish and operate a pool of suppliers that will assist in administering and implementing online and physical public participation processes by the offices												No				

### Context and objectives

Technology can play a useful role in extracting conclusions from large collections of public opinion. Therefore, technological solutions, as intended by the government, might encourage government agencies to engage the public more readily. This commitment could therefore have an impact on the implementation of public participation.

The government had previously consulted non-governmental organizations regarding public participation. However, this practice has received much higher priority and a more institutional approach since 2006.<sup>1</sup> This commitment is aimed toward increasing public participation in governmental decision-making processes through new technological tools. For the government, these tools complement existing in-person public participation methods. The commitment deals with the development of tools and support for civic participation but it does not consider the actual utilization of these tools. Additionally, there are no measurable activities to assess the completion of the commitment. This is especially applicable to the second milestone, which consists of creating a pool of suppliers to assist in the activities themselves.

In addition, the IRM researchers doubt whether a lack of technological tools is impeding public participation initiatives, and whether the development of such tools is the most efficient way to move forward. Many tools aimed to support shared thinking among the public are already available in the country and generally online, which can be used by government agencies.<sup>2</sup> In this sense, the commitment has a moderate potential impact, since it does not represent a determinant change on the government practice.

### Completion

The commitment and its milestones were completed by the time of this report. According to the government's self-assessment report, five tools were developed during the first year of implementation:<sup>3</sup>

- An online polling tool;
- A community knowledge management tool;

- A roundtable/forum platform;
- A blogging platform; and
- A service-providers database.

A tender for support services was published and completed and five suppliers have been selected. The winners have not been made public, but they were presented to the different ministries in September 2016.<sup>4</sup> Government officials consulted by the IRM researchers indicated that the providers chosen by the tender committee will organize instructional sessions for officials across government agencies on how to conduct public participation activities using the tools from this commitment.<sup>5</sup>

NGO representatives interviewed by the IRM researchers were aware of this activity but were not part of specific civic participation activities.<sup>6</sup> This can be explained by the government's working with CSOs that focus on public issue such as education, welfare or immigrant absorption and not those dealing with transparency and government issues per se.

### Next Steps

As some government officials discussed with the IRM researchers, there is concern for the next steps of the commitment as officials hesitate to use the tools and there is a lack of central control regarding the operations of the various ministries' websites. In this sense, the IRM researchers recommend that the goal of the commitment during the second year of implementation be the integration of these tools in daily government actions. Such integration might include specific commitments toward the application of the tools in thematic fields (e.g. open public consultation on reducing road accidents or improving air quality), and it should include a specific mechanism to track the implementation of those tools and their outcomes. This would help monitoring the actual implementation of the tools, rather than focusing on the process of their development.

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<sup>1</sup>The Second Lebanon War (2006) caused public outcry over the uncoordinated aid efforts. Hagai Katz, Einat Raviv et. al, "Civil Society During the Second Lebanon War", Israel Center for Third Sector Research, (May 2007) 47 available at: <http://in.bgu.ac.il/en/fom/lctr/Site%20Assets/Lebanon%20War-Final.pdf>; Michal Almog-Bar, Policy Initiatives towards the Nonprofit Sector: Insights from the Israeli Case, 7(2) Non-Profit Policy Forum (2016), 245-246 available at: <https://www.degruyter.com/downloadpdf/j/npf.2016.7.issue-2/npf-2016-0005/npf-2016-0005.pdf>.

<sup>2</sup> Existing tools may be found at "OGP toolbox" <https://ogptoolbox.org/en/tools/?q=democracyos>, <https://opengovfoundation.org/> and <http://www.communitymatters.org/blog/let%E2%80%99s-get-digital-50-tools-online-public-engagement>.

<sup>3</sup>Interview with Ms. Tamar Peled-Amir in the Prime Minister's Office, 28 Sept 2016.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> As described in the Stakeholders' Meeting, 28 Aug. 2016.

## **Commitment 9. Continued Integration of Public Participation in Government Work**

**Commitment Text:** To formulate a central outlook for public participation processes in the government and advance specific processes.

Status quo or problem/issue to be addressed: There are currently processes for public participation in the Government of Israel and the efforts and capabilities to advance additional participation processes should be increased.

Main Objective:

- A. To formulate a policy for public participation in Government work.
- B. To formulate an institutionalized outlook for implementing public participation processes in Government work.
- C. To conduct activities to integrate the culture of public participation in the work of offices by developing tools for guidance, training and lectures.

### **Milestones:**

- 9.1 To publish a guide for public participation in government work.
- 9.2 To formulate a central outlook for public participation processes in government Work.
- 9.3 To hold meetings to integrate public participation in the government.
- 9.4 To accompany or lead the four significant processes for participation in the Government.
- 9.5 To accompany and encourage the establishment of round tables.

**Responsible institution:** Governance and Social Affairs Department, Prime Minister's Office

**Supporting institution(s):** Policy planning departments in government offices, Ministry of Justice, Unit for the Improvement of Government Public Services, information systems administrators

**Start date:** April 1, 2014  
2016

**End date:** June 30,

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
Overall													Yes				
9.1. To publish a guide for public participation in government work													No				
9.2 To formulate a central outlook for public participation processes in government work													Yes				
9.3 To hold meetings to integrate public participation in the government													Yes				
9.4 To accompany or lead the four significant processes for participation in the government													Yes				
9.5 To accompany and encourage the establishment of round tables													Yes				

## Context and objectives

This commitment aims to increase the scope and reach of public participation in governmental processes. Different from Commitment 8, this commitment focuses on the human and organizational factor of governmental processes. While the underlying problems are the same, this commitment deals with an unsatisfactory culture of public participation among government agencies. While there is a growing tendency among public authorities to involve public participation, these processes remain largely undocumented and unknown to public circles wider than NGO activists, and their outcomes are not evident in actual government decisions.<sup>1</sup> A 2015 paper on public participation in local authorities, published by a leading Israeli think

tank, found a rapidly growing number of participatory processes, but these processes focused on opportunities for citizens to voice their opinions instead of any actual say in the decision-making process.<sup>2</sup>

The language of the commitment and milestones is vague. The proposed milestones refer to intra-agency affairs that are unknown to the general public. Furthermore, many of the activities detailed in the milestones are already in existence.

Additionally, the commitment focuses on the participatory process without consideration on the outcomes. In this regard, the commitment can be considered an incremental but positive step to increase the scope and width of public participation in governmental processes.

### **Completion**

The proposed guide on public participation in government work was not published on time. Government officials informed the IRM researchers that the guide is still being written as of February 2017.<sup>3</sup>

At the time of writing this report, the IRM researchers had no available information as to the level of completion of milestone one. In regards to milestones three and four, the government has had public participation meetings as a preexisting activity such as:

- The launching of a dedicated governmental public participation website in 2010;<sup>4</sup>
- An online public consultation process regarding regulation in Israel of Google Streetview;<sup>5</sup>
- An open public consultation in a governmental public commission following the 2011 social protests;
- A public consultation process regarding the integration of immigrants from Ethiopia into society, launched in 2014 and completed late 2015.<sup>6</sup>

According to the government, similar consultation processes continued to take place through the work of other committees in charge of drafting government policies in other fields.<sup>7</sup>

Furthermore, the government has engaged with CSOs for the last decade advocating for the establishment of roundtables.<sup>8</sup> The IRM researchers consider that the commitment's proposed activities are not new, and while they are laudable and carried out on a significant scale, they neither present new ambitious plans nor address the shortcomings of past efforts in the field, as stated above. Additionally, the open wording of the commitment makes it difficult to determine a proper level of completion.

### **Early Results (if any)**

The number of round tables organized by government ministries has progressively increased.<sup>9</sup> Although many of the processes are not documented or coordinated by any central body, eleven roundtables took place over 2014, according to information from the Prime Ministers' Office and Sheatufim, the Israeli Center for Social society.<sup>10</sup>

### **Next Steps**

The IRM researchers acknowledge that there are many public participation processes occurring in the government of Israel outside of the "official" OGP track. However, the next action plan could present specific thematic public participation

processes, as well as clear minimum requirements by which activities might be considered public participation processes. These can include:

- Participation occurring throughout the process (at the outset of decision-making process, during the process and toward its completion);
- The open participation of all relevant stakeholders; and
- Better documentation of the processes, especially their actual impact on governmental decision-making.

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1 Examples of unpublicized collaboration include the "National Plan for Integration of Immigrants from Ethiopia in Israeli Society," (Israeli Department of Government and Society) <http://www.pmo.gov.il/policyplanning/hevra/Pages/integration.aspx>, and government roundtables, which launched in 2007. "Society and Governance " (Israeli Department of Government and Society, 29 Jun. 2016), <http://www.pmo.gov.il/policyplanning/shituf/Pages/roundtable.aspx>. Azi Lev-On, "Annual Media Report: Procedural (Deliberative) Public Participation in Israel," <http://aunmedia.org/sites/default/files/mediareport/ch5.pdf>.

2 Moran Nagid, "Public Participation in Local Government: Practical Experiences and Lessons Learned," (The Israel Democracy Institute, 2015), <http://www.kotar.co.il/KotarApp/Viewer.aspx?nBookID=102693105#3.9309.6.default>.

3 Correspondance with Tamar Peled-Amir (Member of the PMO Society and Governance Division), 11 Feb. 2017.

4 Which is out of service at the time of writing of this paper: <https://shituf.gov.il/>. See also: OECD, The Call for Innovative and Open Government, p. 145 (2011).

5 David Shamah, The View from the Israeli Street. Jerusalem Post, (April 27, 2011) available at: <http://www.pressreader.com/israel/jerusalem-post/20110427/282849367542262>.

6 Presented and documented in a dedicated website: [newway.gov.il](http://newway.gov.il).

7 For instance: A committee on government policy regarding the issue of outsourcing social services – Information on the process and the report (in Hebrew):

<http://www.pmo.gov.il/policyplanning/hevra/Pages/socialservices.aspx>;

8 This process was formalized in 2008, but had begun earlier. Cabinet Resolution 3190 of the 31st Government, "Government relations, the civil society and the business sector contributes to achieving public goals," (24 Feb. 2008), [www.pmo.gov.il/Secretary/GovDecisions/2008/Pages/des3190.aspx](http://www.pmo.gov.il/Secretary/GovDecisions/2008/Pages/des3190.aspx).

9 Interview with Tamar Peled-Amir (Member of the Society and Governance Division in the PMO) 28 Sept. 2016.

10 "PMO Roundtables 2014 Summary,"

[http://www.sheatufim.org.il/multimedia/upl\\_doc/doc\\_140615\\_121997.pdf](http://www.sheatufim.org.il/multimedia/upl_doc/doc_140615_121997.pdf).

## IV. Country context

Israel is a democracy with a strong economy, vibrant civil society, and a thriving hi-tech sector. It is thus in an excellent position to play a leading role in setting open government standards. Government engagement with NGOs is widespread through informal contacts, but much less so regarding the OGP action plans and formal decision-making processes. Furthermore, recently, Israel has seen several corruption scandals and government initiatives that have weakened its democratic institutions as well as serious attempts to narrow freedom of expression and of the press.

### **Israel's potential in leading open-government standards**

Israel enjoys a strong and stable economy and a thriving hi-tech sector.<sup>12</sup> Technological advancement put Israel in a comfortable position in applying advanced technologies to support open government through reusing database information and the comprehensive use by citizens of technological open government tools.

Several activities by the Israeli government to promote transparency are not part of its OGP commitments. The researchers attribute this to a lack of coordination among government agencies. These transparency activities include improvement of governmental websites and several substantial attempts to include public participation in various governmental processes. For example, the government held a consultation regarding immigrant integration with attendees from over 60 NGOs representing immigrants from Ethiopia and thirteen government ministries.<sup>3</sup>

### **Civil society in Israel**

Israel has thousands of NGOs and public participation in democratic discourse has grown following the 2011 social protests.<sup>4</sup> In the wake of these protests, several NGOs were created that focus specifically on public participation and government accountability. The government emphasizes the benefits of NGO involvement with its decision-making processes.<sup>5</sup> It is the researchers' experience, based on their many years in Israel's third sector, that government agencies do indeed frequently engage CSOs in decision-making. For instance, an organization called "the Social Guard" was founded following the 2011 social protests to monitor activities by Knesset committees. Its members are regularly granted permits to sit in Knesset committees and report on their proceedings.<sup>6</sup> The size of the country and a society that is small, homogeneous and traditionally informal facilitates open pathways of communication between officials and civil society. Organizations such as the Movement for Freedom of Information are both heavy litigators against the government as well as regular partners with the government and are frequently invited to appear in intra-government forums.<sup>7</sup> Nevertheless, while administrative officials continue a tradition of cooperation with CSOs, on the political level, recent years have seen several measures aimed to limit NGO freedom, especially NGOs dealing with human rights.<sup>8</sup>

An example of government interference is Btselem, the Israeli Centre for Human Rights in the Occupied Territories. This NGO reports on alleged human rights violations and previously communicated regularly with the Israeli military, often being invited to talk to army officers. Btselem benefitted by receiving volunteers from the state funded "national service" program, however the government attempted to stop this process in 2014. The government's plan failed only after intervention by the government's legal advisers, but the Prime Minister declared in October 2016, that he will promote legislation to ban national service volunteers in Btselem.<sup>9</sup> "Breaking the Silence," an organization which reports misconduct in the West Bank by Israeli

soldiers, has also been targeted by the government. After its activists were invited to present their views to school audiences, the Ministry of Education moved to prevent this and other similar organizations from appearing in schools. The Ministry of Education "prohibit[ed]...undermining the legitimacy of the State of Israel and its national institutions, while allowing criticism of the state on condition that the discussion is kept within the boundaries cited above."<sup>10</sup> These measures followed legislation in July 2016, which targeted human rights organizations by creating specific reporting requirements for organizations that rely on funding from foreign governments (but not from foreign private donors, a distinction largely setting apart organizations critical of the Israeli government and those supporting it).<sup>11</sup>

Governmental transparency is a popular concept and officials are unwilling to publicly state their opposition. Indeed, the government has promoted a wide variety of actions designed to promote transparency and public access to information following the enactment of the Freedom of Information Law (1998).<sup>12</sup> However, there is uncertainty as to whether these initiatives or their implementation, meet global standards.<sup>13</sup>

### **Restrictions to freedom of expression and of the press**

Israel's Constitution assures every citizen basic rights such as liberty, dignity, property, freedom of movement, and privacy. The Supreme Court has extended these rights to include freedom of expression, the press, and information. However, Israel's freedom of the press has declined, and is now ranked as only "Partly Free" According to Freedom House.<sup>14</sup> Israel has seen serious attempts to narrow freedom of expression and of the press. These include attempts to create content-based requirements for public funding for the arts, blatant plans for political control of public broadcast authorities, indirect limitations on human rights organizations and a new legislation allowing impeachment of parliament members by a super-majority (widely seen as targeting representatives of the Arab minority).<sup>15</sup>

Benjamin Netanyahu, Israel's Prime Minister, has engaged in frequent clashes with Israeli media who are considered critical of him. The owner of Israel's most highly circulated newspaper, American billionaire Sheldon Adelson, is a close friend of the Prime Minister.<sup>16</sup> It has been alleged that he runs the newspaper "Yisrael HaYom" with no business plan and in spite of permanent losses simply as means of supporting the Prime Minister.<sup>17</sup> Netanyahu, for his part, often posts stark attacks on the owners of "Yisrael HaYom's" main rivals: "Yediot Aharonot" and the Mozes family who owns it. Netanyahu blamed "Yediot Aharonot" for campaigning to replace his government with a left-wing government.<sup>18</sup> An esteemed reporter, Raviv Drucker, has been criticized by the Prime Minister.<sup>19</sup> Drucker became a target of the Prime Minister's Facebook posts after Drucker broadcasted investigations into the Netanyahu's family's ties with Australian billionaire James Packer, and the role of Packer's lawyer with state authorities while representing a German corporation's business interests. The Prime Minister labelled Drucker a "slander corporation" and his network "radical leftist."<sup>20</sup> Netanyahu's aides offered support to the struggling Channel 10, where Drucker worked, in return for the company's dismissal of Drucker.<sup>21</sup> According to a local social-media monitoring company, the attacks on Drucker from Netanyahu generated some 8,000 responses on Facebook in the 24-hours following one of the Prime Minister's posts; 2,000 of responses included "defamation, abuse and curses against Drucker, calls of 'enemy and traitor' and curses against his family."<sup>22</sup> Such attacks by senior politicians and the subsequent responses generated are not symbolic of an environment supportive of a free press and open discourse.

Freedom of expression, the press, and information are also impacted by violent conflict between Israel and parts of the Arab world.<sup>23</sup> The violence has affected Israel's economy as well as public discourse and thinking. Israel puts security concerns above all other matters, as evident by the large security budget which, in 2015, accounted for more than 6% of the total GDP.<sup>24</sup> This is a high percentage when compared globally. Israel's military expenses, the bulk of security expenses, reached 5.400% of GDP in 2015, compared with a global average of 2.269%.<sup>25</sup>

Promoting access to security-related data is not seen favourably by many. There is no discussion of openness in the security establishment in Israel's OGP action plans.<sup>26</sup> National security is an exception that limits access to information. However, being an exception, there must be clear guidelines that define national security for the purposes of withholding information. International standards like the Global Principles on National Security and the Right to Information (the Tshwane Principles) can provide guidance on how to regulate such exceptions.

Twenty-percent of Israelis are of Arab descent.<sup>27</sup> Despite constitutional provisions for equality, significant gaps exist between the Arab minority and Jewish majority, including different legal treatment regarding freedom of expression and freedom of the press. Powers held by the Israeli government, such as shutdown warrants and permits regime, are rarely used against Hebrew media organizations but are often applied to Arab media.<sup>28</sup> While Arab is an official state language according to Israeli law, there are many allegations of discriminatory treatment towards Arab citizens.<sup>29</sup> Despite resolutions requiring Arabic versions of government websites, limited availability of information in Arabic is a major obstruction in accessing information.<sup>30</sup>

### **Corruption and democratic institutions**

Israel (excluding territories occupied since 1967) is a multi-party parliamentary democracy with a vibrant political arena. However, recent years have brought growing concerns regarding the strength of Israel's democratic institutions and traditions. Several high-ranking Israeli officials are currently imprisoned on corruption charges.<sup>31</sup> Additionally, the current Prime Minister is under investigation following suspicions of corruption.<sup>32</sup> Furthermore, Israeli politics are unstable. Examination of recent parliamentary elections shows that the five previous parliament terms have lasted two years and seven months on average. Shifts within the government are frequent, replacing ministers and transferring authorities and domains from one ministry to another.<sup>33</sup>

### **Stakeholder priorities**

Stakeholders agree that some commitments of the action plan relate to highly relevant issues like access to government databases and procurements and a central government website. However, at a forum convened by the IRM researchers, stakeholders declared their wish to be more involved in the design of the plan and its priorities.<sup>34</sup>

Researchers were informed by the government that it has already begun engaging with third sector organizations in the planning of the third action plan.<sup>35</sup> The researchers would also like to note that the NGOs engaged by the government, even if in a limited manner, are organizations that deal with broad issues of public participation and freedom of information. The IRM researchers found no evidence of engaging stakeholders from specific areas such as environment, education, health, civil rights or minority rights in the development of the current and future action plans

### Scope of action plan in relation to national context

It is the view of the researchers that Israel's second action plan does not address the serious issues facing Israel. The action plan refrains from tackling sensitive issues such as government corruption or security-related information.<sup>36</sup> It continues to focus on general policy issues that are indeed important to promote open government, but aren't applied where they could make a difference. The formalization of public participation in Israel has not been properly achieved. Furthermore, the level and scope of public participation is far from adequate to create opportunities for the public to influence decisions.

While Israel's second action plan includes several commitments but they are vague and omit several significant issues. Fiscal transparency remains limited, as the National Bank still refuses to promote transparency in its decision-making processes.<sup>37</sup> Security, which is not only a sensitive issue but also one that impacts civil rights, remains largely out of the scope of transparency initiatives. While the NGO sector is well developed, and the government often engages with it, the participation of "ordinary citizens" is much more limited, and the space for civic discourse faces threats.

The current political atmosphere and government leadership do not strengthen Israel's democratic institutions but rather, distance the country from the position it might have taken on open government.

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1 Israel is ranked 23rd globally in GDP per capita. "World Economic Outlook Database," (International Monetary Fund, 2016), <https://www.imf.org/external/pubs/ft/weo/2016/01/weodata/index.aspx>.

2 See Dan Senor and Saul Singer, "Startup Nation: The Story of Israel's Economic Miracle," (2009).

3 Cabinet Resolution 1300 of the 33rd Government, "Formulating a plan for promoting optimal integration of Ethiopian immigrants into Israeli society," (9 Feb. 2014), <http://www.pmo.gov.il/Secretary/GovDecisions/2014/Pages/des1300.aspx>. The consultation website is found at "New Way: A Government Consultation," (Ministry of Immigrant Absorption, 2017), <http://www.newway.gov.il/newway/home>.

4 33,000 NGOs are registered with the national registrar, 15,000 of which are active. Additionally, 900 not-for-profit companies serve public interests. "About Registrar and PBC," (Ministry of Justice, 2017), [www.justice.gov.il/Units/RasutHataagidim/units/RashamAmutot/Pages/About.aspx](http://www.justice.gov.il/Units/RasutHataagidim/units/RashamAmutot/Pages/About.aspx). See also "Guide to Non Profits," (Israel NonProfit News, 2017), [www.israelnonprofitnews.com/guide-to-non-profits/](http://www.israelnonprofitnews.com/guide-to-non-profits/). Harriet Sherwood "Israeli protests: 430,000 take to streets to demand social justice," (The Guardian, 4 Sept. 2011), <https://www.theguardian.com/world/2011/sep/04/israel-protests-social-justice>.

5 See "Society and Governance Division," <http://www.pmo.gov.il/policyplanning/shituf/Pages/newTzibur.aspx>.

6 See "About Us," (Social Guard, [hamishmar.org.il/about-us-2/](http://hamishmar.org.il/about-us-2/)).

7 Researcher FirstName LastName served as the Director of the Movement for Freedom of Information from 2006 until 2011. The organization's website is found at [www.meida.org.il](http://www.meida.org.il).

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10 Yarden Skop, "New Directives Could Bar Anti-occupation Group From Israel's Schools," (Haaretz, 12 Dec. 2016), [www.haaretz.com/israel-news/.premium-1.758427](http://www.haaretz.com/israel-news/.premium-1.758427).

11 "Israel: Law Targets Human Rights Groups," (Human Rights Watch, 13 Jul. 2016), <https://www.hrw.org/news/2016/07/13/israel-law-targets-human-rights-groups>.

12 E.g. Expanding the FOI law to include government-owned corporations in 2007 and higher education institutions in 2014, and creating the FOI Unit in the Ministry of Justice in 2011.

13 Israel's FOI law ranks 89 in global comparison. "Global Right to Information Rating," (Centre for Law and Democracy, 2016) <http://www.rti-rating.org/country-data/>.

14 "Israel," (Freedom House, 2017), <https://freedomhouse.org/report/freedom-press/2016/israel>.

15 Yair Altman, Maya Cohen and staff, "Culture Ministry's bid to condition funding may violate freedom of speech," (Israel Hayom, 28 Nov. 2016), [www.israelhayom.com/site/newsletter\\_article.php?id=38355](http://www.israelhayom.com/site/newsletter_article.php?id=38355); Yair Ashkenazi, "Israeli Minister Vows to Investigate 'Disrespect' for National Anthem at Fringe Theater," (Haaretz, 20 Nov. 2016), available at: <http://www.haaretz.com/israel-news/culture/theater/1.754086>. The head of the parliamentary majority recently declared the

government would oppose the launching of a new independent public broadcaster, since "anti government" content was found on some of the broadcaster's executives' Facebook pages (Ruth Eglash "Israel's ruling party used Facebook to track 'antigovernment' journalists," (The Washington Post, 6 Nov. 2016), <https://www.washingtonpost.com/news/worldviews/wp/2016/11/06/israels-ruling-party-used-facebook-to-track-anti-government-journalists/>). Cabinet Culture Minister, Miri Regev, stated, "It's inconceivable that we'll establish a corporation that we won't control. What's the point?" (Barak Ravid, "Miri Regev: Why Set Up New Broadcasting Corporation if We Don't Control It?," (Haaretz, 31 Jul. 2016), <http://www.haaretz.com/israel-news/1.734527>). Marissa Newman, "Knesset approves controversial law to remove lawmakers from office," (The Times of Israel, 20 Jul. 2016), <http://www.timesofisrael.com/knesset-approves-bill-to-remove-lawmakers-from-office/>.

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a former Minister of Finance jailed for stealing from a trade union (Stuart Winer, "Former finance minister released early from prison," (The Times of Israel, 16 Jan. 2013), <http://www.timesofisrael.com/former-finance-minister-released-early-from-prison/>); and the current Interior Minister was jailed for bribery (Joel Greenberg, "Former Israeli Party Leader Freed From Jail," (The New York Times, 16 Jul. 2002), <http://www.nytimes.com/2002/07/16/world/former-israeli-party-leader-freed-from-jail.html?ref=topics>).

32 "Massive Money Laundering Reportedly Suspected in Latest Netanyahu Investigation," (Haaretz, 8 Jul. 2016), <http://www.haaretz.com/israel-news/1.729729>; Chen Ma'anit and Shay Niv, "AG instructs police to probe submarine affair," (Globes, 27 Nov. 2016), <http://www.globes.co.il/en/article-attorney-general-instructs-police-to-probe-submarine-affair-1001162664>.

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35 Interview with Rivki Dvash (Head of Freedom of Information Unit in the Ministry of Justice) 18 May, 2016.

36 Reference here is to information related to security organizations that does not compromise national security (e.g. historical security actions like past weapons exports, budgetary information, or material concerning the civil administration of occupied territories).

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## **V. General recommendations**

The researchers find that Israel's OGP action plan is unambitious and fails Israel's potential as a leader in open government. The stakeholders, mostly civil society organizations, enjoy an ongoing open relationship with government officials, but they lack the ability to contribute to OGP planning. Public consultation is limited to these CSOs and barely involves the public or organizations beyond NGOs focused on democratic infrastructure.

Table 5.1: Top Five SMART Recommendations

1.

- Bolster the new Prime Minister's office leadership in OGP to strengthen the mandate of the Government's Chief Information Officer in the role of coordinating and implementing OGP initiatives.

2.

- Expand engagement with Israel's civil society organizations to include organizations and individuals who do not work with the government in OGP-related activities.

3.

- Commit to the creation of an independent open government mechanism outside the government, particularly some form of an information commissioner with powers to regulate government activities in the course of opening itself up to public scrutiny.

4.

- Ensure future commitments target specific social, political, economic or environmental problems rather than broad development of guidelines for participation and databases. Possible target areas include openness in the security sector, improving freedom of the press and civil liberties for human rights organizations.

5.

- Move civic participation commitments beyond planning and building guidelines to effective implementation and institutionalization of government and civil society dialogues in public policy.

## VI. Methodology and sources

The IRM mid-term report is written by well-respected governance researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Each report undergoes a 4-step review and quality control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole
3. Pre-publication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report

This review process, including the procedure for incorporating comments received, is outlined in greater detail in section III of the Procedures Manual.<sup>1</sup>

### Interviews and focus groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

Interviews conducted by the researchers can be divided into two groups: government officials and NGO representatives. Much of the communication with these sources was conducted on an ongoing basis through telephone and email and consisted of both discussions of specific matters or more generalized questionnaires. Prior to completing this report, the researchers held final meetings to discuss the action plan in a comprehensive manner. These included:

### Government:

- Meeting with Maya Adulamy, OGP coordinator in the Prime Minister's office on 6 March 2015 for an update on work toward introducing the second action plan.
- Questionnaires to Ms. Adulamy in August and September 2015 which focused on the consultation processes with NGOs. These were completed by Ms. Adulamy.
- Several meetings with Ms. Rivki Dvash, the head of the FOI Unit in the Ministry of Justice. Both a 16 February and 18 May 2016 meeting concerned the regularization of the Unit's authorities and its central website. Numerous emails were exchanged with Ms. Dvash to follow up on developments in the commitments relevant to her.
- Meeting with Yair Frank, head of Israel ICT authority to discuss OGP processes in Israel during the OGP conference in Mexico City, October 2015.
- Meeting with Ilana Pansho, temporary OGP coordinator (replacement for Ms. Adulamy) 25 September 2016 in Tel-Aviv to discuss the draft of government's self-assessment.
- Phone interviews with Ms. Tamar Peled-Amir, Projects' Coordinator at the ICT authority in the Prime Minister's Office to discuss self-assessment and exchange thoughts on researchers' conclusions, 29 September 2016.

### Civil Society Organizations:

The researchers frequently work with NGOs on issues beyond OGP; therefore, the researchers had numerous email exchanges with relevant NGOs on OGP matters.

A meeting was held on 28 August 2016 with a wide range of NGO representatives to discuss the implementation of Israel's second action plan. The meeting was held at the "NGOs House" in Tel-Aviv and included:

- Tomar Lotan – CEO, Citizens Empowerment Center in Israel;
- Danya Leshed –Citizens Empowerment Center in Israel;
- Amitay Korn – "Kol Zchut" the Center for Rights' Information;
- Nirit Blayer – Director General, The Movement for Freedom of Information in Israel;
- Or Sadan – Legal Advisor, The Movement for Freedom of Information in Israel;
- Nirit Moskovich – Director General, The Social Guard;
- Yiftach Bril – The Social Guard;
- Michal Eden – The Social Guard;
- Shevy Kirzon – CEO, The Public Knowledge Workshop (via phone);
- Merry Levitzker – The Public Knowledge Workshop; and
- Tehilla Altshuler Schwartz – The Israel Democracy Institute (via phone).

### **About the Independent Reporting Mechanism**

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-

annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is

- Hazel Feigenblatt
- Hille Hinsberg
- Anuradha Joshi
- Ernesto Velasco-Sanchez
- Mary Francoli
- Jeff Lovitt
- Showers Mawowa
- Fredline M'Cormack-Hale
- Cesar Nicandro Cruz-Rubio
- Brendan Halloran

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org)

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## VII. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.<sup>1</sup> When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Table 7.1: Eligibility Annex for Israel

Criteria	2011	Current	Change	Explanation
Budget transparency <sup>2</sup>	ND	ND	Did not change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information <sup>3</sup>	4	4	Did not change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration <sup>4</sup>	2	2	Did not change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (5.29) <sup>5</sup>	3 (5.88) <sup>6</sup>	Did not change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
<b>Total / Possible (Percent)</b>	9/12 (75%)	9/12 (75%)	Did not change	75% of possible points to be eligible

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- 1 For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.
- 2 For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.
- 3 The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws <http://www.right2info.org/access-to-information-laws>.
- 4 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), [://bit.ly/19nDEfK](http://bit.ly/19nDEfK); Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), [://bit.ly/13vGtqS](http://bit.ly/13vGtqS); Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries," (Washington, DC: World Bank, 2009), [://bit.ly/1clokyf](http://bit.ly/1clokyf). For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.
- 5 Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat," (London: Economist, 2010), <http://bit.ly/eLC1rE>.
- 6 Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents," (London: Economist, 2014), <http://bit.ly/18kEzCt>.