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The Dynamics of Israeli and Palestinian Security Requirements in the West Bank

Cross-border activities, sovereignty and governing legitimacy

Understanding the Human Side of the Environment

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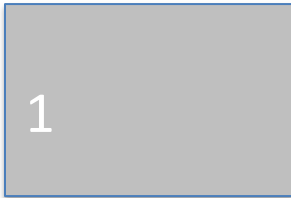aastorino@NSIteam.com

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Executive Summary

This report presents insights from an analysis of a conceptual map, or qualitative loop diagram that relates Israeli and PA sovereignty and legitimacy in the West Bank territories with Palestinian violence and cross-border attacks against Israeli citizens, as well as IDF/COGAT activities. The relationships and feedback loops of Israeli and Palestinian security and political positions reflect those dynamics that drive the security challenges and risks that impact the effectiveness of PA security sector reform and institutional development. Specifically, the loop analyses suggest that:

- ***PASF capability enhancements can reduce PA legitimacy and limit the effectiveness of security sector reform.*** PASF capability enhancements seen to also improve security for Israelis can degrade popular support for the PASF, increase social frustration and worsen the security situation in the West Bank. They can also reduce PA legitimacy and reduce the effectiveness of successful security sector reform and institutional capacity building.

  Implications for USSC/USG
  PASF training/routine emphasizes protection of Palestinians. PASF capability enhancements and training geared toward providing publically observable protection for Palestinians especially in areas associated with Palestinian livelihoods (e.g., orchards) and other areas traversed by Israeli settlers;

  Emphasize PASF protection role. Together with visible reemphasis of PASF activities, public affairs communications including outreach to civil society to reinforce message that purpose of PASF is to protect Palestinians can enhance public regard and PA legitimacy;

  Emphasize service provision and inclusiveness to enhance PA legitimacy. Other activities to strengthen PA governing legitimacy (e.g., inclusion of alternative views, dependable provision of services) are essential for PA legitimacy and ultimate success of security sector institution building.

- ***Israeli security activities have self-reinforcing adverse effects on PA legitimacy and development of security sector institutions.*** IDF activity in Areas A and B impact perceived PA governing legitimacy in two ways. Most immediately, IDF security actions, targeted killings, arrests and imprisonment represent an affront to Palestinian national sensitivities and thereby increase the level of social tension in the West Bank. Together with demonstrating the failure of the PA to provide the most basic public service, i.e., security for its citizens, they can diminish popular perceptions of PA legitimacy. Because effective implementation of security sector reforms and institution building require Palestinians to see the PA as legitimate and the PASF as credible, IDF activities also indirectly degrade efforts to build PASF capacity and ultimately to provide security services for Palestinians which feeds into one of the central challenges to the stability of the Fatah-led PA government: the popular appeal and credibility of its phased, institution-building approach versus the approach of Hamas and other actors that highlights rejection and resistance. Completing the feedback loop, impeding the PASF capacity to provide

effective security to Palestinians and Israelis in Areas A and B does nothing to reduce Israeli security concerns and reinforces the same, or rising, level of IDF activity in those areas.

Implications for USSC/USG
Advocating for return to more restrictive IDF ROE in the WB including restrictions on live fire, roadblocks and training exercises along with visible reduction in IDF presence in Areas A & B can reduce Palestinian social tension and, if representing observable change can help stabilize day-to-day security situation

- ***Uncertainty about the final status of the West Bank makes re-opening peace talks more difficult.*** Uncertainty about the permanence of the current setting in the WB generates two means of decreased WB security. On the one hand it is a direct source of the type of Palestinian social frustration that can lead to violence. On the other, it is a driver of the Israeli government's accelerated settlement and military establishment construction and consequent illegal seizure and/or destruction of Palestinian land by the Israeli government. This in turn poses an affront to Palestinian notions of national identity, rights and sovereign control, also feeding social frustration and diminishing the popularly perceived governing legitimacy of the PA. Perceived failures of the PA also strengthen the appeal of resistance-based approaches as the only means for dealing with Israel. Given that PA governing legitimacy is so indelibly tied to the phased, institution-building approach established by the Oslo process and the promise of eventual Palestinian statehood (i.e., sovereignty) it significantly weakens any claim to PA governing legitimacy. Unfortunately, it is the PA with which Israel and the US are committed to negotiate a final status agreement and the loss of popular support for the PA coupled with insecure conditions in the Palestinian territories have been used by Israeli leaders as reasons for pulling out of or even engaging in peace talks.

Implications for USSC/USG
US policy supporting "independent, viable and contiguous Palestinian state" has led Israeli governments to create 'facts on the ground' and literal barriers to negotiated settlement via land confiscation and military and settlement construction. To Palestinians, US statements, together with settlement construction, can ring hollow or at best are confusing given the intimation of sovereignty associated with "statehood."

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"The United States is committed to realizing the vision of a two state solution to the Israeli-Palestinian conflict: an independent, viable and contiguous Palestinian state as the homeland of the Palestinian people, alongside the Jewish State of Israel."

US Policy on Final Status in the Israeli Occupied Territories; http://www.state.gov

Introduction

One of the primary functions of a nation-state is to provide security for its citizens. While many of the security requirements cited by the leaders of Israel and the Palestinian Authority (PA) are clearly conflicting, there are also security concerns that both sides share. These include the safety and effective management of border crossings; guaranteeing the safety of public areas and access to holy sites; and the need for effective policing.[1] In fact, it can be argued that the more critical drivers of conflict are not rooted in security requirements as much as they are in the dynamics that link Israeli and Palestinian perceptions of security with domestic politics that control the legitimacy of the PA on the one hand, and the political power of the Israeli government on the other. Moreover, both PA legitimacy and the electoral success of rightist Israeli governments are tied to their respective capacities to establish and maintain sovereign control of lands from which their constituents derive national identity. As part of its recent Mission Review the U.S. Security Coordinator for Israel and the Palestinian Authority (USSC) posed the following question to the Strategic Multi-layer Assessment (SMA) team:

> *With respect to cross-border arrests, prosecutions, and targeted lethal action, what are the challenges, risks, and opportunities to legitimacy and sovereignty between neighbors with competing security requirements?*

This report presents insights from analysis of a qualitative West Bank Security Dynamics loop diagram[2][3] constructed around Israeli and PA sovereignty and legitimacy, Palestinian and Israeli settler frustration and violence and IDF/COGAT activities in the West Bank. The relationships and feedback loops of Israeli and Palestinian security and political positions reflect those dynamics that drive the security challenges and risks that impact the effectiveness of PA security sector reform and institutional development.

A qualitative loop diagram is a visual heuristic for grasping complex recursive relationships among factors such as those that connect Israeli with Palestinians security. It is intended to serve as a "thinking tool" for analysts, practitioners and decision makers. Once produced, the "map" of the direct and indirect relationships between legitimacy, sovereignty, and Israeli and Palestinian "cross border" activities can be used to explore those relationships, test hypotheses about them and provide a broad

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[1] See, Kuznar, Larry and Mariah Yager. 2015. "NSI Intensity and Overlap of Security Tolerances for Israeli and Palestinian Stakeholders," for complete discussion of these issues and others where USSC security engagement and coordination may be most effective. Paper available on request from lkuznar@NSIteam.com.

[2] While these types of diagrams are often referred to as "causal loop" diagrams, no presumptions of direct causation are made in these analyses. In addition, although they resemble system dynamics models as used here they are neither computational models nor intended to be strictly predictive. Loop diagrams are a useful means of uncovering unanticipated or non-intuitive interaction effects embedded in this incredibly complex environment.

[3] Loop diagrams are a useful means of uncovering unanticipated or non-intuitive interaction effects embedded in this incredibly complex environment.

picture of second and third-order effects on critical nodes in the system. For USSC and others involved in advocating for stability in Palestinian-Israeli relations, a clear understanding of the system that links Israeli and Palestinian internal politics to cross-border security is a critical prerequisite for identifying areas in which USSC activities might have the greatest positive impact.

Before turning to the loop diagrams, however, a brief discussion of the concepts of *sovereignty* and *legitimacy* in the context of the occupied Palestinian territories is warranted. This is followed by a discussion of important features and nodes excerpted from the complete diagram are discussed. These are: the nature of the PASF Security Dilemma; the effects of PASF and IDF activities on the legitimacy of the PA evolutionary strategy versus resistance-based strategies associated with Hamas and others; and, the differing effects of Israeli and Palestinian perspectives on the permanence of the current situation in the West Bank. The final section presents general findings as well as risks and opportunities associated with USSC and other US efforts to mediate this conflict.

Sovereignty

The concept of the *sovereignty* of a governing authority is relatively straightforward when applied to nation-states. Sovereignty is indicated by a government's international recognition and its supreme and independent authority over civil and security matters within a specified territory. In the context of Israeli-Palestinian affairs however, the issue of sovereign control in the West Bank[4] territories is neither straightforward nor typical. In fact, there is no actor with internationally recognized *de jure* sovereignty over the West Bank.

The State of Israel was recognized by the United Nations in 1949 within the borders of the territory it held following the 1948 War over Partition. During the 1948 War the Hashemite Kingdom of Transjordan occupied the West Bank of the Jordan River (i.e., the remainder of the British Mandate out of which the Kingdom has been carved). In 1950, in a bid to secure land and for reasons of its own political legitimacy and Hashemite religious tradition, Jordan annexed the West Bank, and administered it until it was lost
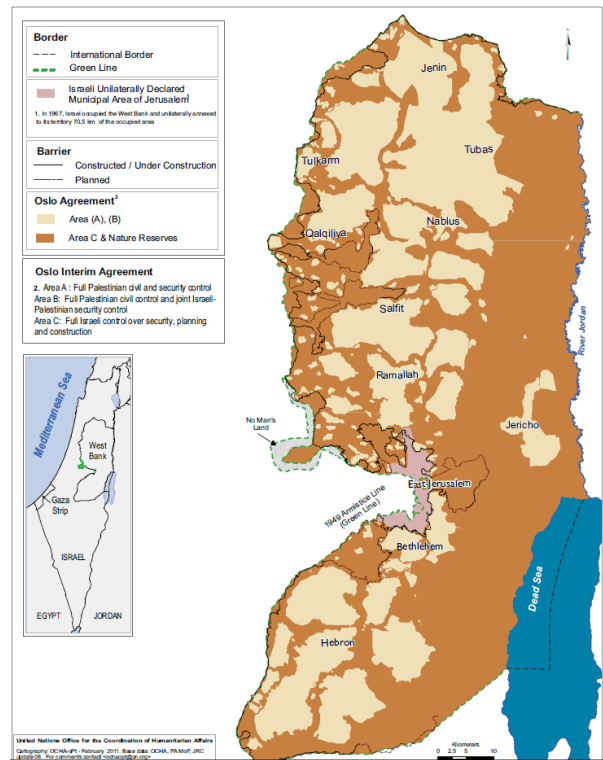

Figure 1: Map of West Bank Areas; source: UN Office for the Coordination of Humanitarian Affairs (OCHA)

[4] Per USSC guidance, for the most part discussion of Gaza remains outside of the scope of this effort.

to Israel during the 1967 War.[5] For reasons primarily related to internal politics, Israel never moved to annex the West Bank and is considered by international law to be an occupying force. In 1988, following a final episode in his chronic conflict with Yasser Arafat and the PLO, King Hussein relinquished all Jordanian claims to the West Bank in favor of the PLO.[6]

The 1995 Interim Agreement on the West Bank and the Gaza Strip, or Oslo II Accord was intended as a short-term arrangement; a first step toward staged Israeli military withdrawal from the occupied West Bank and final status negotiations. As a consequence, it did not significantly alter the legal structures to which West Bank Palestinians are subject.[7] From 1967 until the present, Israeli citizens in the West Bank are subject to Israeli civilian law while Palestinians living in the West Bank are subject to local statutes and the Israeli military regulations at the legal core of the Occupation Authority or Civil Administration. What Oslo II did do was divide the West Bank into three areas each with a different designation of governing authority, if not sovereignty. Two decades later, Area A,[8] by far the smallest of the three areas contains the majority of the Palestinian population in the West Bank. In what we might think of as *Palestinian civil authority*, Oslo II devolved control over civil issues and policing in Area A to the Palestinian Authority. In practice however, Israel retains the final word on security in Area A. Area B is mainly rural and can be described as *Palestinian and Israeli shared authority*: the PA retains civil control and shares policing and security matters with Israel although again Israeli forces have the last word in what they define as security matters. Area C, which includes Israeli settlements, Palestinian villages and farms, IDF-designated military security zones, and nature preserve remains under *full Israeli authority* (i.e., civil and security). Today the situation in the West Bank is this: the PA has limited *de jure* but no *de facto* sovereignty[9] in the West Bank and Israel has *de facto* sovereignty over all areas of the West Bank, but has *de jure* sovereignty over none.

Legitimacy

The *legitimacy* of a governing authority is a concept that is often related to, but is distinct from, its sovereign authority and control. While the notion of sovereignty is most commonly associated with a state's control of a specific territory, *legitimacy* resides in the perceptions of those governed. It is the

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[5] Only the UK, Pakistan and Iraq recognized Jordan's annexation. Later, UN Resolution 242 called for the withdrawal of Israeli forces from lands conquered during the 1967 (Six Day) War and "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Sovereignty over the West Bank was granted to Jordan as no Palestinian representative was a participant in the talks concerning implementation of UN242.

[6] King Hussein's son and successor, King Abdullah of Jordan reiterated Jordan's stance in December 2010.

[7] Kelly, Tobias. 2009. *Law, Violence and Sovereignty among West Bank Palestinians.* Cambridge: Cambridge University Press, pp. 4

[8] Area A is comprised of Nablus, Jenin, Tulkarem, Qalqilya, Ramallah, Bethlehem, Jericho, most of Hebron and their surrounding areas. Israeli citizens – with the exception of the IDF are prohibited from this area.

[9] As of November 2014 the *Washington Post* reports that 135 members of the United Nations had recognized the Palestine as an independent state (http://www.washingtonpost.com/blogs/worldviews/wp/2014/11/07).

perception among a majority of a population that a governing authority has the *right* to govern. People who view their government as legitimate accept the rules determined by that authority, self-identify with that authority, seek public goods (e.g., security, justice) from its institutions and/or voice their political greivances or needs withing the systems established by that government.   One of the hallmarks of a stable state is close alignment of governing legitimacy and sovereign control.   An important indicator of state instability is the emergence of opponents who work outside established institutional means (e.g., elections; the justice system) to challenge a government. All insurgencies and revolutions begin with challenges to the legitimacy of a government's right to govern. When opposition groups take up arms against the regime they are challenging its soverignty.

There is an important distinction to be drawn between a government's legitimacy and its popularity. The circumstances of Israel and the Palestinian Authority illustrate the differences well. While Israeli governments (e.g., the Likud-led coalition) might be unpopular among some citizens, with the exception of a small population of ultra-orthodox who for religious reasons do not recognize the existence of the State of Israel, Israel's system of governance is perceived by Israelis across the political spectrum as legitimate. While there certainly are those who oppose certain government policies there are few challengers to the entire institutional structure of the government. Contrast this to the legitimacy Palestinians attribute to the Civil Administration in the occupied territories which certainly is not seen as a legitimate representative of Palestinian views, rights and interests. Finally, while, the popularity of the Palestinian Authority has risen and fallen over time, there is also real debate among Palestinians about the legitimacy of the PA to govern Palestinians in the West Bank and Gaza. More than just opposing political parties the split between the Fatah-led PA and Hamas has at times (e.g., the 2007 Battle of Gaza) reflected a serious conflict over which group is the more legitimate representative of the Palestinian cause.

Qualitative Loop Diagrams

The process of building and exploring loop diagrams is particularly useful for illuminating the drivers of complex relationships among explanatory factors. They are also a useful way to uncover unanticipated or non-intuitive interaction effects. Loops diagrams consist of "nodes," and "edges." Nodes are the factors or components of a system; in many cases, its variables.[10] "Edges" are the lines that indicate the relationships between nodes. As used in this study, edges represent unweighted, correlative rather than strictly causal relationships. Unless indicated by a minus sign (-), the relationships between connected nodes are positive, meaning that as the antecedent or "parent" node increases or decreases the successor does the same. Edge lines with a minus sign indicate an inverse relationship between an

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[10] The 46 nodes that comprise the West Bank security dynamics diagram include: the legitimacy of the PA; Israeli support for Government of Israel (GoI) actions; Israeli and Palestinian "cross border activities" as well as the intervening factors that explain variation in each. Cross-border activities are defined broadly as attacks by Palestinians on Israeli civilians and security forces in Israel or the West Bank; harassment and attack by Israeli civilians on Palestinians; and observable Israeli security operations, arrests, prosecution and imprisonment and targeted killings of Palestinians in the West Bank.

antecedent node and its successor. That is, as the parent increases or decreases, the successor does the opposite. The feedback loops that represent recursive relationships among nodes can take two forms: they can be negatively or positively "reinforcing" (indicated by an "R" in the diagrams) where change in one node propagates through a single or series of other nodes to return and magnify the effect on the initial node; or, they can be "balancing:" (indicated by a "B") in which the initial positive or negative effect associated with a node is dampened or "balanced" as it propagates through the system.[11] The following sections discuss some of the key insights that emerge from examining the qualitative loop diagram constructed to describe West Bank security dynamics. To clarify presentation, the diagrams shown in the body of the report are excerpted from the full diagram which can be found in Appendix A. In addition, a blue font is used in the following discussions to indicate specific diagram nodes.[12] Nodes shown in blue indicate largely Palestinian actions or perceptions, red are primarily Israeli and green are USSC/ international.

Distinctive Aspects of PA Governing Legitimacy

From the mid 1960s onward there has been a split in Palestinian politics between those who demanded militant resistance in order to liberate all Palestinian lands under foreign control, and more moderate voices – including Palestinians living in the occupied territories – who were more willing to pursue Palestinian self-governance via negotiation and political means.[13] Acceptance of the terms of the Oslo I and II accords signed by Yasser Arafat codified the significant shift that had taken place in
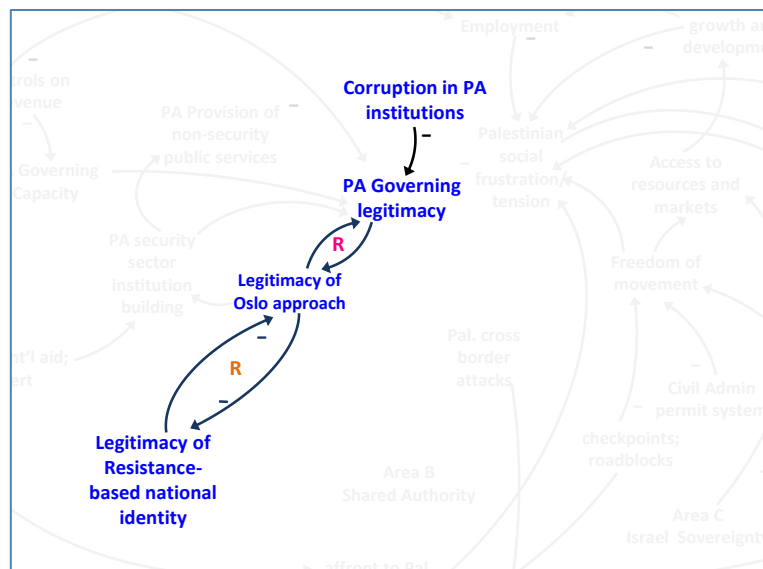

Figure 2: PA Legitimacy

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[11] The implications of reinforcing versus balancing feedback in the qualitative loop diagrams explored in this study are slightly different than is typical of many mechanical or electrical systems in which reinforcing loops are associated with ever-increasing or exponential growth and are often considered destabilizing while balancing feedback is associated with system stability. However, rather than potentially every increasing factors (analogous to continuous variables in empirical studies), the majority of nodes in the West Bank security system diagram are naturally limited. For example, constructs such as legitimacy have no natural numeric values and are best measured in terms of more or less popular regard; satisfaction cannot reasonably exceed 100%, etc. There are however a few nodes that might serve either as barriers or sources of exponential growth on small areas of the West Bank diagram. The two most significant are Jewish immigration to Israel and the dollar amount of international aid.

[12] A copy of the complete diagram is available on request from the primary author at aastorino@NSIteam.com.

[13] An interesting historical side note is the apparent change in perspective of Fatah which for many years was arguably the most powerful militant voice within the Palestinian national movement. Arafat and senior Fatah leaders lived outside the outside the occupied territories until Israel withdrawal from Jericho in 1994. For further discussion see Mohamad, Hussam. 1997. "Viewpoint: PLO Strategy from Total Liberation to Coexistence," *Palestine-Israel Journal,* Vol 4(2).

Fatah's public approach toward Israel. Since the 1990s, and particularly following the rise of Hamas, Fatah's shift in approach has been at the center of the debate over the governing legitimacy of the PA.

The section of the loop diagram in Figure 2 shows two important dynamics that regulate PA governing legitimacy as it relates to the security situation in the West Bank. On the one hand, the pink "R" indicates the positive reinforcing relationship between the progress of the phased, institution-building strategy instantiated in the Oslo Accords (for simplicity henceforth referred to as the Oslo approach) and popular perceptions of the governing legitimacy of the PA. As the PA is able to point to "progress" along an Oslo-like path, its credibility and legitimacy increases. Unfortunately, the reverse is also true. When movement toward settlement based on a non-violent Oslo strategy appears stalled, the perceived legitimacy of the PA falls as well.

The orange "R" in Figure 2 highlights the second dynamic impacting popular perceptions of the governing legitimacy of the PA: the central role of the concept of *resistance* in the Palestinian national psyche. Resistance has been an essential theme in Palestinian music, art, literature and political discourse and remains a highly resonant basis of what it means to be Palestinian (i.e., the Palestinian national consciousness).[14] In many ways the Oslo approach stands in opposition to this long-standing aspect of Palestinian national identity. The fact that resistance is championed by opposition groups like Hamas and the Palestinian Islamic Jihad (PIJ) sets up a direct alternative to the Oslo approach -- including the Palestinian Authority which emanated from it. In this way, perceived failures of the PA including accusations of corruption and unfair treatment can easily been used by opponents to "prove" that the PA has insufficient allegiance to the Palestinian nation.[15] Again, the credibility of the PA's claim to governing legitimacy as well as the Oslo approach are either directly reinforcing or directly degrading. When one seems to fail, both suffer and the appeal of the more-established, resistance-based approach toward the occupation is strengthened. This is the crux of the rivalry and division between those who support Fatah and the PA approach and those who favor a resistance-based approach more closely associated with Hamas and other opposition groups.

The overall legitimacy of PA governance is degraded both internationally and domestically by its inability to establish credible authority over Hamas and other Palestinian actors. This is not just an issue of perceived legitimacy; Israeli limits on PASF capacity and freedom of movement hamper the PA's capability as well.[16] It is in this way that the issue of Gaza plays a significant, although not explicit role in this analysis. To be clear however, the real issue is not Gaza in and of itself, but the continued salience

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[14] The salience of the narrative of "resistance" in Palestinian politics is such that it is used even by President Abbas in reference to the PA's allowance of non-violent, or "wise resistance; in other words, peaceful resistance through demonstrations, slogans, et cetera" (Remarks on National Reconciliation and Security to PBS, New York, 9 June 2010. *Journal of Palestine Studies*, Vol. 40(1), pp. 183-186.) While Hamas has not agreed to disarm and commit to non-violence, its insistence on militarized resistance may be receding, at least until it succeeds in gaining some relief for the people in Gaza who lost so much during the conflict with Israel in the summer of 2014.

[15] For example, in December 2014, a wide majority (80%) of West Bank respondents reported a preference for importing Hamas' armed or civil resistance strategy into the West Bank; this was even the case among self-reported Fatah supporters (62%).[15] In the same poll just over 40% of West Bank respondents felt that armed resistance was the most effective way of establishing a Palestinian state next to the state of Israel whereas 24.9% felt that negotiations would be most effective.

[16] Cunningham, Kathleen Gallagher. 2013. "Actor Fragmentation and Civil War Bargaining: How Internal Divisions Generate Civil Conflict, *American Journal of Political Science*, Vol. 57 (3), July 2013, pp. 659-672.
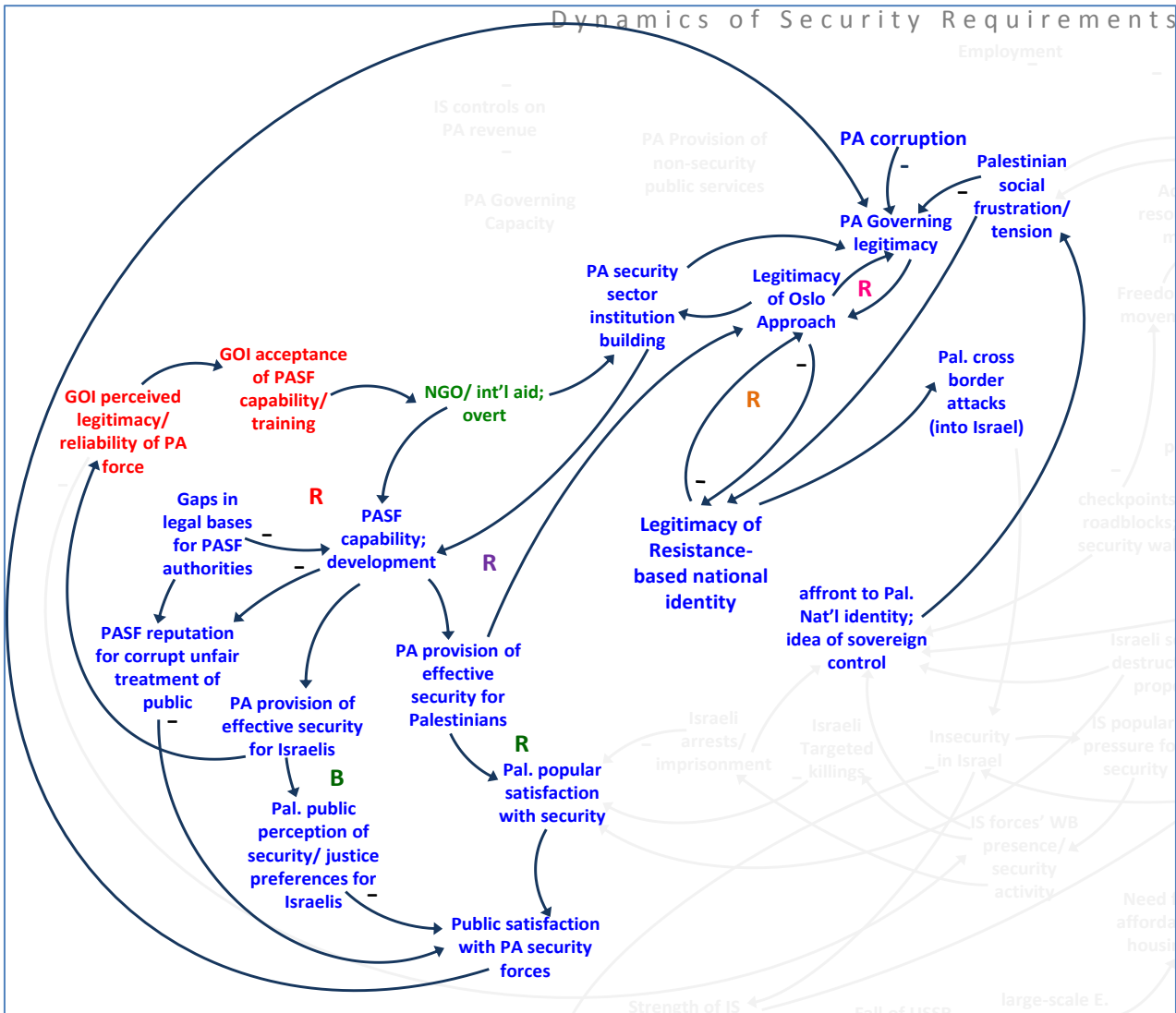
Figure 3: Virtuous and other PASF Capacity Loops

of the notion of resistance as elemental to Palestinian political identity. Even though Hamas remains centered in Gaza and in large measure isolated from USSC efforts to develop the security sector in the West Bank, power struggles and divisions over the efficacy of PA versus Hamas leadership play a critical role in the prospect for successful development of PA security forces.

Current circumstances prohibit the USSC Mission ideal: A virtuous loop connecting PASF capability and PA legitimacy

From ancient times, tribal leaders, kings and other governing authorities provided physical security in return for citizens' allegiance and labor. In fact, this exchange relationship between governors and the governed is a key feature in the emergence of the larger political collectives that would eventually evolve into nation-states.[17] Security from an external threat is the first and most important purpose of any governing authority. The loop diagram in Figure 3 shows the path of a "virtuous loop", or positive

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[17] Bloch, Marc. 1961. *Feudal Society.* Manyon: Chicago: University of Chicago Press.

Postscript: **The PLO Central Council's 5 March 2015 resolution calling for a halt to security coordination with Israel is not just a means of generating press and diplomatic pressure on Israel in response to Israel's withholding of $127 million in VAT taxes. Viewed from the perspective of the loop diagram of West Bank security, such a move could fortify the legitimacy of President Abbas and the PA in two ways. First taking this action could shore up popular support for the PA's its relatively moderate stance and counter critique that it is out of touch with the Palestinian public by standing for non-violent resistance. Second, it seeks to decouple the PA somewhat from the Oslo approach to which it has been bound and which promoted the security coordination.**

reinforcing feedback (indicated by the purple "R") from PASF capacity development to PA provision of effective security for Palestinians in the West Bank. As shown, PASF ability to provide effective security for Palestinians increases (relative) satisfaction with security conditions and enhances the legitimacy of the Oslo approach and associated PA governing legitimacy. In essence, if Palestinians feel less embattled in their homes and security improvements can be attributed to PASF activity, the credibility of the (Oslo) phased, institution-building approach and the PA itself is enhanced. Observable results support Oslo and the PA. Governing legitimacy, i.e., the popular belief that an entity has the right to govern a population, is a necessary condition for building effective and stable security sector institutions. In fact, legitimacy is what makes stable institutionalization of governing authority possible. (Note that what are seen as oppression and subjugation are often attempts to institutionalize security practices in the absence of governing legitimacy). As a result, PA governing legitimacy is a necessary pre-condition for the success of USSC security institution-building assistance to the PASF. As shown in Figure 3, the reinforcing loop around the purple "R" (capacity development → provision of effective security → legitimacy of Oslo approach → security sector institution building) intersects with the reinforcing relationship between Oslo and PA legitimacy (pink "R"). Together these interconnected, reinforcing loops describe the logic of USSC and other international efforts to aid Palestinian security development and help establish the Palestinian institutional structures necessary to support a final, two-state solution.

Risk associated with Corruption. Unfortunately, there are a number of risks associated with this ideal, virtuous pathway that could mitigate or even reverse the intended positive effect of USSC efforts to help build PASF capacity and professionalism. First, as noted, serious accusations of corruption have dogged the legitimacy of the PA and its institutions since its inception. Current polls show little sign of change: in December 2014 a full 83.8% of West Bank respondents confirmed their belief that other PA governing institutions are also considered corrupt.[18] The importance of this deficit in terms of West Bank security reforms should not be discounted. Even if Palestinian security institutions were no longer considered suspect, it is unlikely that police forces and security institutions that operated in the context of a government thought to be highly corrupt could stay clear of that taint for long, especially as these are precisely the organizations that implement anti-corruption campaigns.

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[18] Palestinian Center for Policy and Survey Research (PCPSR) Palestinian Public Opinion Poll #54, 15 January 2015 (conducted Dec. 2014). http://www.pcpsr.org/sites/default/files/poll-54-Dec2014-English%20new.pdf

Risk associated with the PASF 'security capacity paradox'. The loop diagram in Figure 3 shows a second and perhaps less intuitive risk associated with PASF capacity enhancement: Palestinian perceptions that PA security forces favor security for Israeli citizens over protecting their own constituents. The paradox arises from the fact that the same circumstance: improved security provided by the PASF, can at the same time reinforce further capacity development (the loop around the red "R"), and impede it (green "B").

First, there is a reinforcing dynamic surrounding PASF development (red "R") that should be positive when Israeli officials view the PASF as providing effective security for Israelis in the West Bank prompting enhanced GOI perception of the legitimacy of the PA. This can help ease IDF restrictions on further development of the PASF, in turn allowing its organizations to provide more effective security services for all. Again, this is an ideal outcome that appears to be at the conceptual core of the USSC's primary mission. PA provision of effective security for Israelis is a critical trust-building activity and demonstrates the professionalism and reliability of the Palestinian forces.

Second, Palestinian public perception of PASF preference for Israeli security can directly diminish Palestinian satisfaction with the PSAF. It also contradicts the idea of PA legitimacy, i.e., that it is the legitimate representative of Palestinian rights and interests. As shown in Figure 3, from the Palestinian perspective, PASF development that improves security for Israelis diminishes PA legitimacy, security institution building and eventually PASF capacity. Unfortunately, when observable improvements in the PASF occur while Palestinians continue to experience threats to their security from Israeli sources, the case against the PA and by extension the PASF is not difficult to make.[19] Although it may seem optimum for the USSC in order to meet its near term capacity-building objectives to operate within the loop that demonstrates to Israel the value of the PASF for Israeli security, this comes with a significant risk to PA legitimacy and consequently the longer-term capacity and stability of the PASF. It can directly damage the legitimacy of PA institutions and counter popular support for the more moderate Oslo approach, while strengthening the popular appear of armed resistance.

West Bank Palestinians' belief that the PASF provides more effective security for Israelis is not easily countered given public expectations that the role of the PASF should be to protect Palestinians. As a result this deficit may not be satisfied simply by establishing that the PASF treats Palestinians and Israelis in the same manner. This is because 1) there is at present no single, common legal code to which both Palestinians and Israelis on the West Bank are subject; and 2) the IDF continues to operate in the West Bank and has not committed in word and deed to treat Palestinians and Israelis in the West Bank equally.

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[19] According to a December 2014 poll 82% of Palestinians reported that they were worried that they would be "hurt at the hands of the Israelis" and 83% believe Israel's intention is to "annex Palestinian territories and expel its population or deny them their political rights." Palestinian Center for Policy and Survey Research (PCPSR) Palestinian Public Opinion Poll #54, 15 January 2015 (conducted Dec. 2014). http://www.pcpsr.org. For more on this dilemma see, Desjardins, A., Pagano, S. J., Popp, R., & Rieger, T. (2015). *The Palestinian Security Sector in the West Bank: Current functions, activities and internal barriers to the provision of civil order*. Strategic Multilayer Assessment Program, Office of the Secretary of Defense. Paper available upon request, adesjardins@nsiteam.com
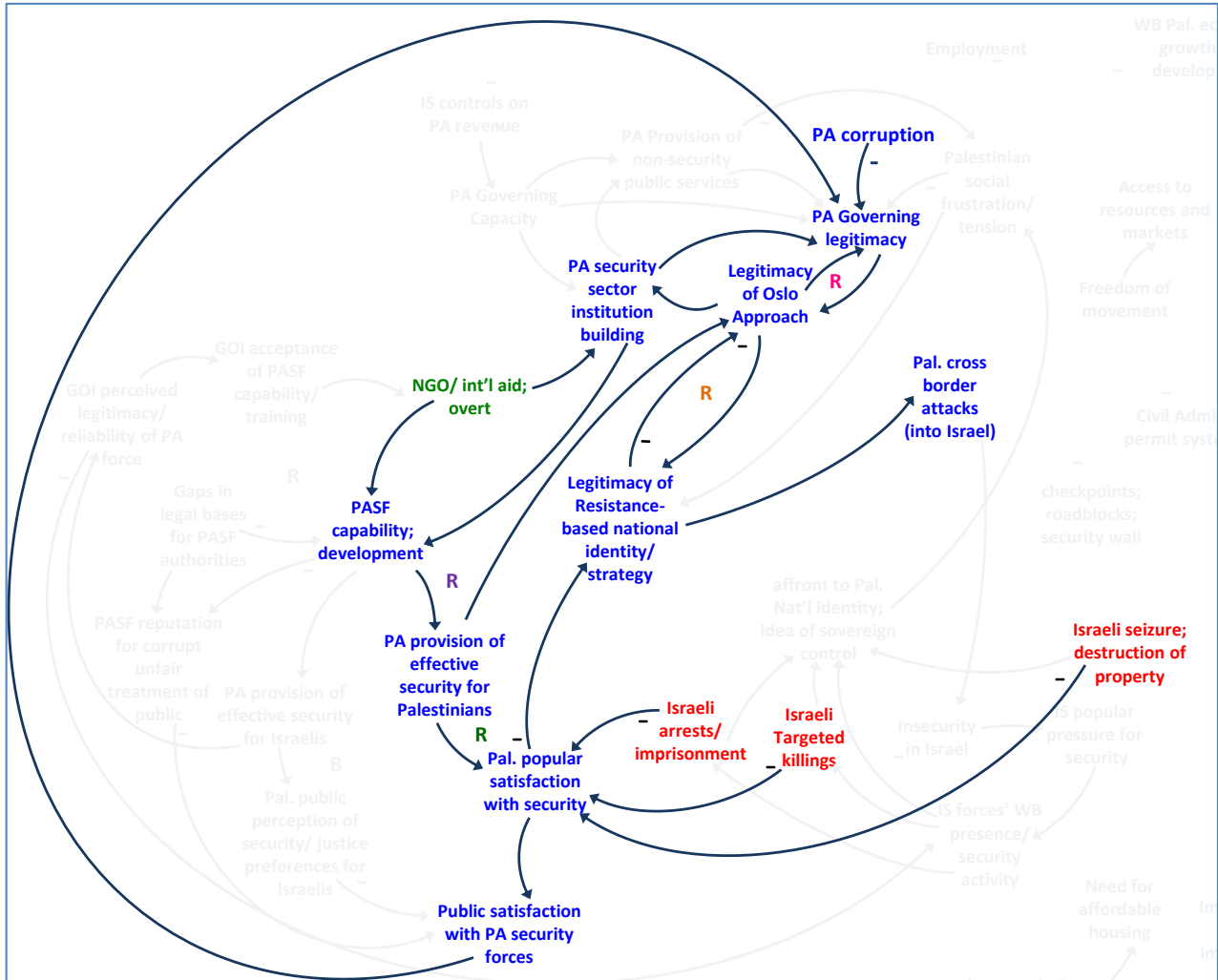
Figure 4: Impact of Israeli Security Actions on PA Legitimacy

Risk associated with Israeli Security Actions. Finally, Figure 4 shows the paths by which the most severe IDF security operations (Israeli arrests/ imprisonment, targeted killings, seizure/ destruction of property) in the West Bank degrade PA legitimacy and thus the ultimate success of USSC and international programs to build durable security sector institutions and as a stable foundation for eventual resolution of the conflict. In order for the feedback loops to remain positive improvements in PASF capabilities must be accompanied by the perceptions of Palestinians living in the West Bank that their security situations have also improved. Unfortunately, at present there is slight evidence to support this belief. UN statistics on Palestinians injured, structures demolished and Israeli raids and arrest of Palestinians in the West Bank during the single week from 10-16 March 2015 tell the story (Figure 5).[20] Unsatisfactory security (a negative value on Palestinian popular satisfaction with security) reinforces the sense of the Palestinian people being under siege and highlights the occupation under which they still live.

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[20] Source: UN Office for Coordination of Humanitarian Affairs, *Protection of Civilians Weekly Report*, Reporting period: 10 – 16 March 2015; http://www.ochaopt.org/poc10march-16march.aspx. As of 16 March 2015, the year to date figure for injuries in the West Bank was 258; and structures demolished was 150 for Area C plus East Jerusalem.

As shown in Figure 4, popular dissatisfaction with security enhances the legitimacy of resistance strategies and in so doing reduces the attractiveness of the Oslo approach (orange "R") as ineffectual and damages the legitimacy of the PA government in the eyes of the Palestinian public. Without physical evidence of improved security, PA legitimacy is damaged and the feedback that increases the probability of durable institutional capacity building is broken or significantly weakened. Israeli security actions can weaken PA legitimacy in a second way when those activities generate public dissatisfaction with the PASF, e.g., for failing to act or protect their constituents.   Of course, it is well known that security coordination including intelligence sharing with Israel has helped President Abbas and the PA maintain control of domestic politics in the West Bank especially in light of Hamas' seizure of Gaza in 2007. However, the appearance that Abbas relies on Israeli forces or collusion with Israel for his position is a potent strike against claims of legitimacy.

In short, demonstrable improvement in Palestinian satisfaction with security conditions on the West Bank with the least possible sign of Israeli forces is critical for USSC mission success.

Reinforcing Sources of Palestinian Social Tension & Violence

It should be little surprise to anyone who has witnessed life in the West Bank and Jerusalem that there exist countless sources of social frustration for Palestinians living in the West Bank. In fact, one of the more striking features of the full West Bank security dynamics diagram is the number of direct and indirect sources of frustration for Palestinians, even at its high level of abstraction (in the full diagram Palestinian social frustration is the single most connected node.) The importance of Palestinian social frustration in the dynamics of West Bank security is that it can induce both spontaneous or opportunistic violence such as throwing stones at IDF patrols (threats to/attacks on IDF, Israelis in the West Bank) or provoke attacks that would have required more coordination, e.g., suicide bombings inside Israel (Palestinian cross-border attacks).

The assumption that underlines this section of the model is that the type of violence that is of greatest concern to the USSC is politically-motivated rather than purely criminal violence. Thus, political, economic and/or social grievances are taken to be a prerequisite to violence. As grievances are given expression they manifest in social frustration and tension. As shown in the loop diagram in Figure 5, Palestinian social frustration is impacted by grievance factors that range from sources internal to the Palestinian population, such as the Fatah/PA-Hamas political and strategic rivalry and corrupt practices already discussed, to those that stem from both the PA and Civil Administration, including economic pressures (e.g., unemployment; stymied development), and restrictions on freedom of movement and access to resources that extend to nearly every aspect of daily life. Lastly, there are also sources of Palestinian social stress and tension that have their roots in Israeli electoral politics and concern with the peace process. Of these, two of the most potent sources of Palestinian frustration are IDF activities in the West Bank, which appear as an affront to Palestinian national sensitivities and the very idea of a
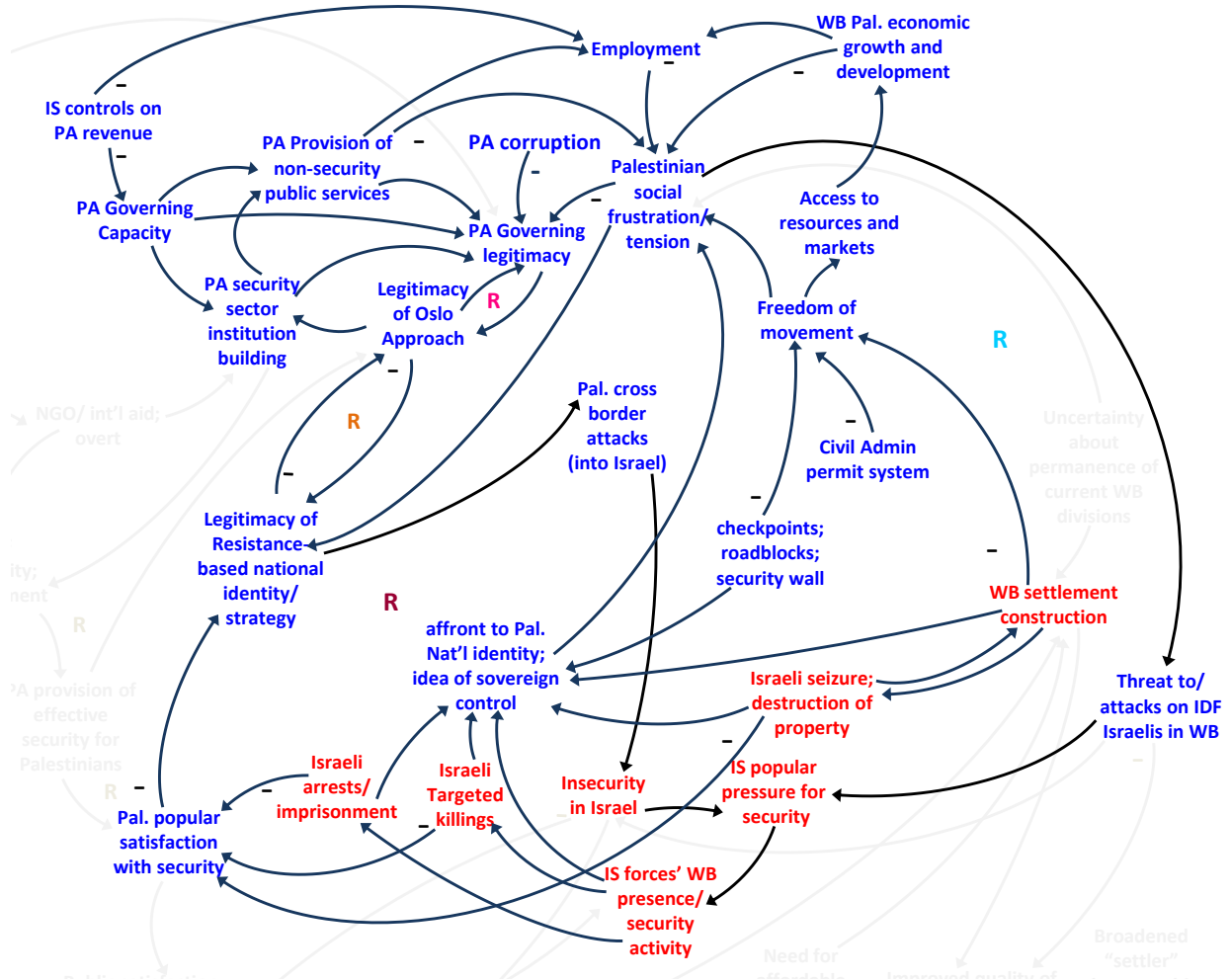
Figure 5: Impact of IDF Activities on West Bank Security and Palestinian Violence

Palestinian national identity, and the Israeli settlements, the second most connected node in the West Bank security diagram.

IDF Activities as an Affront to Palestinian Identity. As discussed in the previous section, IDF activities in the West Bank set off a downward spiral that damages PA legitimacy and stunts development of Palestinian security institutions. IDF presence in the West Bank – particularly Area A where Palestinian security forces are supposed to have security responsibility -- feeds two reinforcing feedback loops involving PA legitimacy. According the portion of the West Bank security model shown in Figure 5, IDF actions appear as a direct affront to Palestinian sensitivities and national identity[21] and add to overall

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[21] In fact, in the past IDF rules of engagement (ROE) in the territories called for soldiers to stand off from Palestinian civilians in recognition of the ease with which their very presence might aggravate Palestinian national sensitivities, and damage Palestinian regard for the PA and PASF. More recently however, there appears to have been a shift toward relaxing IDF ROE in the West Bank. Whereas in 2010 IDF ROE in the territories prohibited soldiers traveling in jeeps from firing at Palestinians throwing Molotov cocktails unless they were aimed at a civilian vehicle, in November 2014 *The Jerusalem Post* reported that

social tension levels that increase the likelihood of local attacks on Israeli civilians and security forces in the West Bank (aqua "R").   Increased social frustration also decreases PA legitimacy by demonstrating the failure of the PA to provide the most basic public service (i.e., security for its citizens); the fact that this is generated by IDF activities in the West Bank offers counter-evidence to its claims of strength and legitimacy. Because PA legitimacy and PASF credibility are necessary prerequisites for the success of security sector reform and institution building, IDF activities in the West Bank thus can pose an indirect, but potentially potent, challenge to those efforts. In addition, impeding PASF ability to provide effective security for Palestinians feeds the critical challenges posed by Hamas and others to the stability of the Fatah-led PA government (legitimacy of resistance identity/strategy). As the effects of IDF activities propagate through the system, the ability of the PASF to establish a safe and secure environment for Palestinians and for Israelis erodes (burgundy "R"). This is precisely the condition that has been used as justification for more and more visible Israeli security operations in the West Bank; ironically the same operations that help to destabilize security conditions in the first place.

Risk of Uncertainty about the Future.   Israeli and Palestinian uncertainty about the permanence of current West Bank territorial divisions appears to generate different paths to decreased security depending on whether the response comes from the Palestinian community or Israelis. As shown in Figure 6, on the one hand, Palestinians' perception of the relative permanence of the arrangements generates frustration directly and via property seizures and violations of sovereign control. On the other, Israeli governments ideologically akin to, or including, Benyamin Netanyahu appear to have been driven by beliefs regarding the relative impermanence of the current status in the West Bank and Jerusalem. The possibility that a negotiated settlement would seek to remove territory from Israeli control has fueled the idea of "creating facts on the ground" by pumping money and populations into accelerated and large-scale settlement construction in the occupied territories. The implications for future Palestinian and Israeli peace negotiators is that relocating or removing these families (e.g., as was done in Gaza or the downtown Hebron settlements) appears to have nearly been taken off the negotiating table. If current trends continue it is extremely difficult to imagine a future Israeli government strong enough to succeed in that type of activity.

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the IDF had "clarified" that soldiers could use live at Palestinians firing firecrackers at them from a close distance (25-30 meters) as it constituted a threat to life (*The Jerusalem Post*, "IDF clarifies rules of engagement for live fire against firecracker attacks"   http://www.jpost.com/Arab-Israeli-Conflict/IDF-clarifies-rules-of-engagement-for-live-fire-against-firecracker-attacks-381997. Accessed 3/10/2015.)
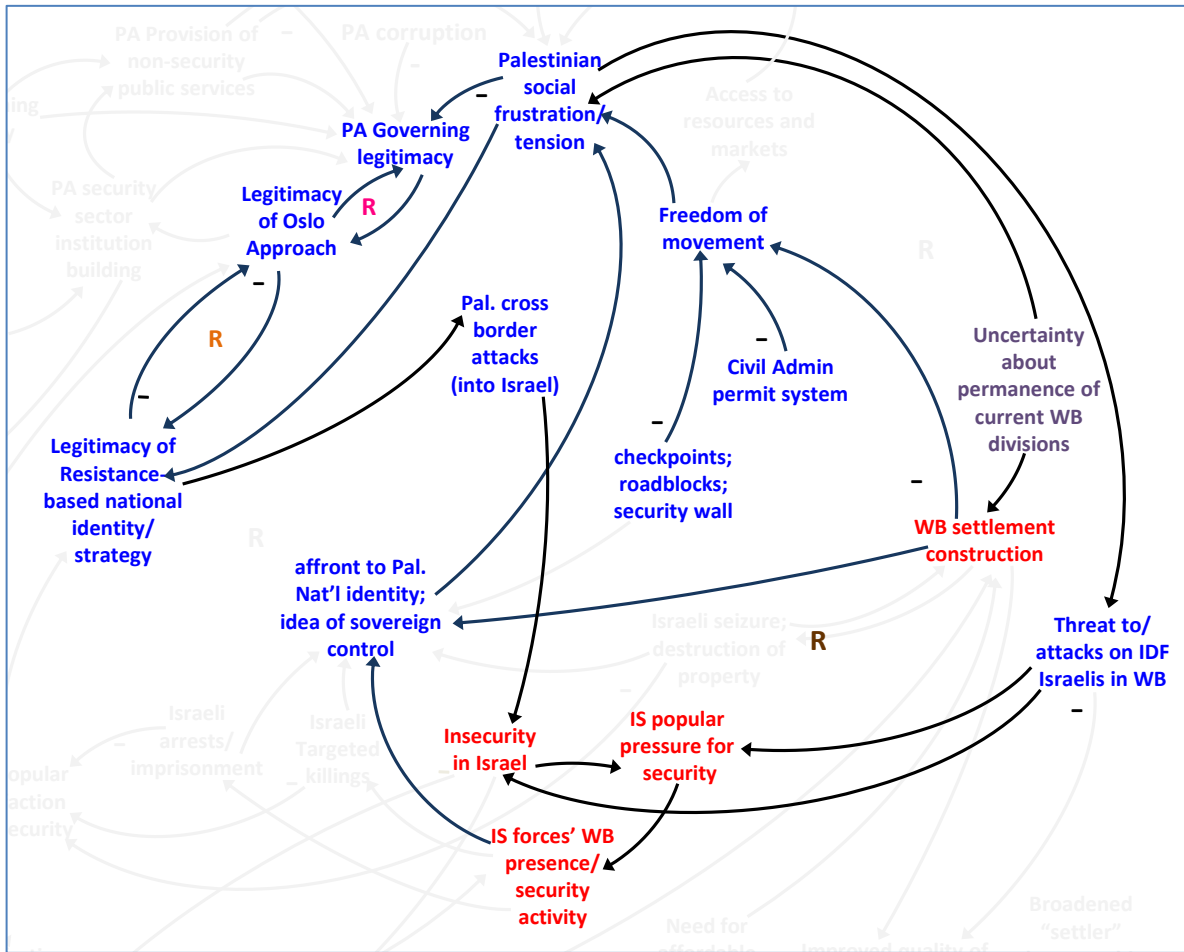
Figure 6: Uncertainty about Future Status

The Changing Impact of Settlements

Israeli settlements in the West Bank are one of the most critical sources of conflict between Israelis and Palestinians. They pose a sprawling affront to Palestinian national identity and can appear to confirm Israel's ability to act with impunity in the Palestinian territories, both of which fuel the Palestinian social frustration that provokes violence. There is also the simple fact that they put settlers, IDF soldiers and Palestinian residents in close proximity. Two changes have occurred in the past 20 years that have significantly altered the political reality within which Oslo II was negotiated: the substantial increase in the physical area covered by Israeli settlements in the West Bank, and the broadening of the settler population to include a much wider and more diverse swath of the Israeli electorate.

In 2013 the UN High Commissioner of Human Rights estimated the settler population in the West Bank and East Jerusalem at between 500,000 and 650,000 people. This is a population nearly triple what it

was when the Oslo Accords were signed in 1993.[22] This rapid construction of Israeli settlements on former Palestinian or Arab land poses an affront to Palestinian notions of national identity, rights and sovereign control. As shown in Figure 6, this direct effect is intensified by the property seizures, checkpoints, and roadblocks that go along with them. The resulting social frustration diminishes the perceived governing legitimacy of the PA and with it discredits the institution-building Oslo approach and the promise of eventual Palestinian statehood (i.e., sovereignty). Yet, it is the PA with which Israel and the US are committed to negotiate a final status agreement. The lack of popular support for the PA,
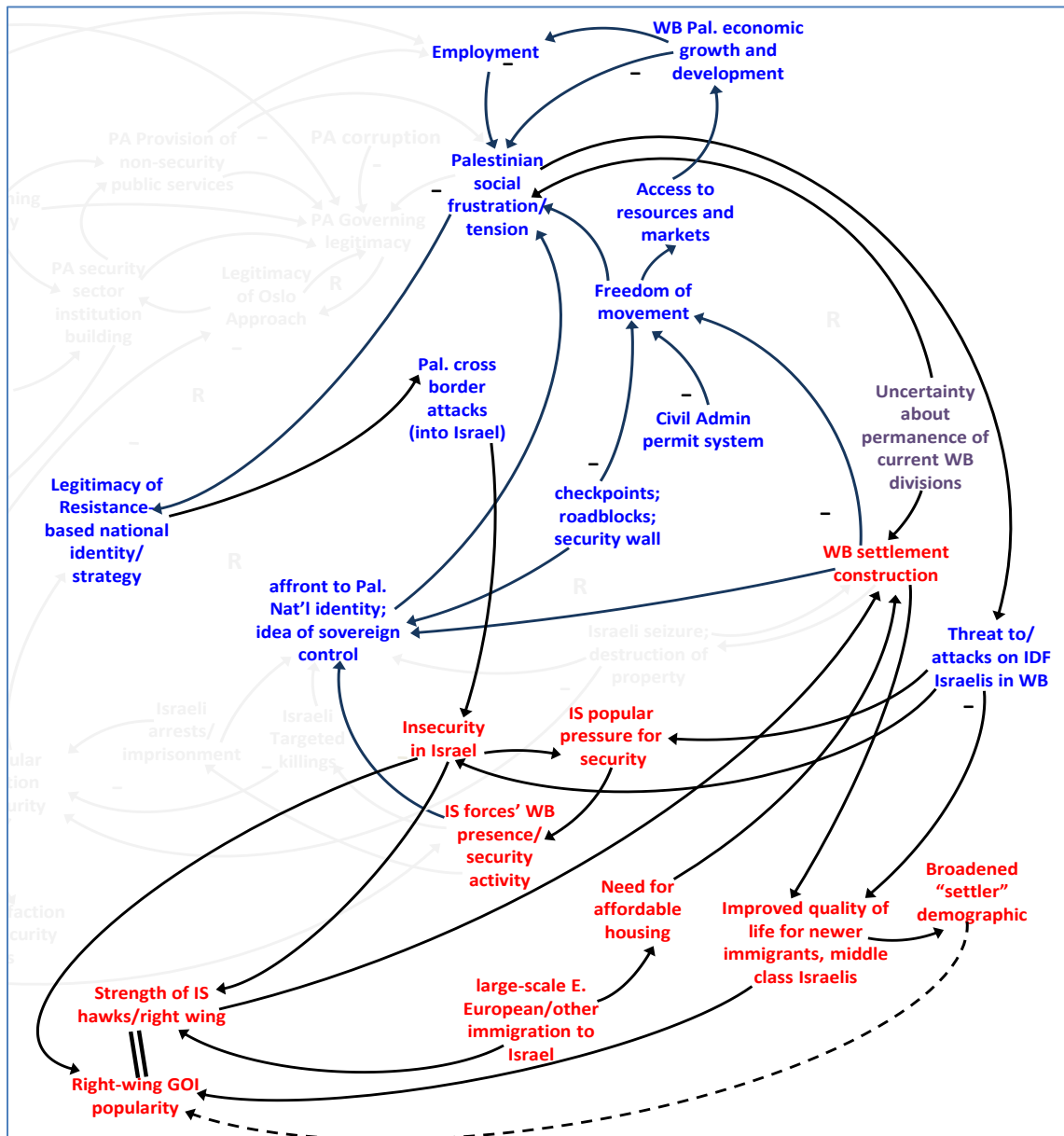

Figure 7: Settlements in Israeli Politics

and thus the instability that can come from the PA's difficulty in controlling its population and /or

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[22] Update on Settler Violence in the West Bank, including East Jerusalem, October 2013. http://unispal.un.org/UNISPAL.NSF

forging unity with Hamas and other political opponents have been used by Israeli leaders in the past as justification for pulling out of, or refusing to engage in peace talks.   In provoking Palestinian frustration and heightening the prospect of Palestinian violence in the West Bank, Israel is able to forestall serious peace talks while it continues to build "facts on the ground."

 Settlement construction also feeds a reinforcing insecurity loop (brown "R" in Figure 6) in which the resulting affront to Palestinian national identity, adds to Palestinian frustration and the likelihood of Palestinian violence and in turn increases the sense of insecurity among the Israeli public. Historically, even among less hawkish elements in Israel, unrest in the Palestinian territories tends to foster political outcry and pressure for the Government of Israel demonstrate that it is able to provide security for its constituents typically by taking more aggressive approaches to West Bank security. Of course IDF activities in response to public pressure for increased security in the West Bank are most effective in terms of Israeli domestic politics when they are visible – as already discussed, precisely the condition that is most likely to encourage further Palestinian frustration and violence.

The Growing Import of Settlements in Israeli Domestic Politics. For many religious Israelis and many Zionists settlements secure a hold on the lands they believe God gave to the Jews. For more secular and center-right Israelis, settlements serve as an increasingly important means of satisfying housing demand in Israel as well as a source of ready inclusion into Israeli middle class living. Increasingly settlements are populated by so called "quality of life settlers" – immigrants, many from Russia and Arab countries and young families lured by government subsidies and tax-payer funded housing and education in bedroom communities within commuting distance of Israel.[23] According to the 2013 Global Property Guide, the average cost of an owner-occupied apartment in Tel Aviv was USD 640,000, and USD 430,000 in Jerusalem, while in a settlement within commuting distance of Jerusalem a family might purchase a four-bedroom single family home in the USD 200,000s.[24] As a consequence of cheaper prices the demand for housing in West Bank settlements increased 50% between 2013 and 2014.[25]

In short, the issue of settlements involves mainstream Israelis now more so than in the past. Gone are the days when settlers could be associated only with religious and right-wing parties – a new larger

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[23]Global Property Guide, January 5, 2014 "Israel's property market continues to gather pace"
http://www.globalpropertyguide.com/Middle-East/Israel/; *Al Jazeera*," Israeli settlers lured by subsidies," 23 Aug 2012
http://www.aljazeera.com/indepth/features/2012/08/201282211420708214.html.

[24] As of the end of 2012, Israeli human rights organization B'Tselem counted a total of 125 government-sanctioned Israeli settlements (not including East Jerusalem), approximately 100 "settlement outposts" that did not receive official government recognition, and a number of settler enclaves built in Palestinian neighborhoods (B'Tselem settlement statistics 2011-2013; http://www.btselem.org/settlements/statistics.) In February 2015, Israel announced tenders to build 450 new settlements in East Jerusalem and in the West Bank and the Palestinian Foreign Ministry responded by filing a case with the International Criminal Court (Feb 1, 2015, Middle East Monitor, https://www.middleeastminotor.com/news.)

[25] This is not to say that the issue of settlements is not hotly debated in Israeli politics – even from within Prime Minister Netanyahu's own government. Most recently, Reuters reports that unpublished government documents indicate that "state spending on settlers rose by a third after Netanyahu took office in 2009" with critics within the government "complain[ing] that the cost of settlements has long remained hidden in thickets of budgetary convolution". The report further claims that, "municipal financial reports show that in 2012 the central government contributed 3,630 shekels per head of population per year to support settler towns, two thirds more than the national average of 2,181 shekels per person." Reuters, "As costs rise, Israeli settlements face questions at home", 24 June 2014 http://www.reuters.com/article/2014/06/24/us-palestinian-israel-settlements-idUSKBN0EZ0JA20140624.

demographic of young, secular families residing in settlements with ties across the Israeli political spectrum may make it increasingly difficult for future Israeli government to negotiate the dissolution of the settlements (Figure 7, dotted black line). This means that not just right-wing or strongly Zionist parties would stand to lose, or are incentivized to support current settlements, but that many parties in a wider spectrum now have constituents living in illegal settlements.[26] This also means that there is a new demographic demanding security in the West Bank and it is one that is more diverse and not so easy for center and center-left parties to ignore. Even If new settlement construction were to cease, it is likely that this will keep pressure on even a more dovish Israeli government to provide security for these areas and maintain their quality of life.

Findings & Implications

Cross border attacks are of course violations of sovereign control of borders. As Israel is an internationally recognized sovereign state, when Palestinians cross into Israel illegally and/or for the purpose of terrorist attacks they violate Israel's sovereign right to secure borders. Are Israel's activities in the West Bank violations of Palestinian "sovereignty"? A case could be made that they are not violations of Palestinian state sovereignty, because none has been granted. However, they do have a significant impact for the population: they reinforce the reality of the occupation under which Palestinians continue to reside and in so doing, serve to increase the Palestinian social grievance and frustration that generates violence against Israelis and sets off a cycle of Palestinian violence and Israeli response that has continued unabated. IDF security activities, settler harassment and violence against Palestinians also undermine the legitimacy of the PA government and the phased, institution-building Oslo approach that it represents. Unfortunately, this is also a cycle of activity that is in direct contradiction with US efforts to help build security sector and other institutions that would eventually serve the state of Palestine.

This report has presented insights that emerge from a qualitative loop diagram that includes Israeli and PA sovereignty and legitimacy, Palestinian violence and cross-border attacks against Israeli citizens and IDF/COGAT activities in the West Bank. A number of central feedback loops reflect the dynamics that drive security challenges in the West Bank and illustrate areas of risk to PA security sector reform and development. Some of the findings with important implications for USSC activities are listed below.

PASF capability enhancements can reduce PA legitimacy and limit the effectiveness of security sector reform. In stable states sovereignty and legitimacy typically go together; a governing authority can

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[26] This apparent move toward the right in Israeli opinion regarding the occupied territories is not just an issue of housing and settlement. Bar-Tal and Halperin (2014) find that there is currently resurgence in the broader population of a number of Israeli "sociopsychological barriers" -- fears and prejudices regarding Palestinians and the Palestinian territories -- that have generally been associated with the political right. For example, the authors report that despite apparent acceptance of a two-state solution, Israeli rejection of Palestinian national rights has been on the rise and cite a 2008 poll where the majority of the Israeli public saw the West Bank as "liberated" (55 %) rather than "occupied" territory" (32 %). Bar-Tal, Daniel and Eran Halperin (2014). "Societal Beliefs and Emotions as Socio-Psychological Barriers to Peaceful Conflict Resolution," *Palestine-Israel Journal*, Vol 19(3) (http://www.pij.org/detail).

claim a degree of legitimacy just by virtue of its ability to exert control over an area. Governments also gain legitimacy by representing the views and interests of their constituents and by providing public services. Given that the purpose of most government services is to reduce in some way its constituents' social, political or economic stress, it follows that provision of effective security and other services to Palestinians living in the West Bank should ease some of the tension and frustration felt by the population that receives them. In addition to helping alleviate grievances and overall tension in the West Bank, security services can help check Palestinian violence against Israeli military and civilians.

While successfully demonstrating PASF capability to protect or contribute to the security of Israelis should reduce demand for IDF security activities in the West Bank, to date it has tended to feed Palestinian public perceptions that PASF forces are working with Israel, incapable of providing security in line with PA civil society expectations, and in some instances, favoring Israeli safety over that of Palestinians. This not only has a negative impact on public satisfaction with, and acceptance of, PASF, but also diminishes the legitimacy of the PA as a governing authority. Consequently, US and/or international training or other support to PASF, should carefully communicate that the function of the PASF is to protect Palestinian citizens even if this reduces IDF willingness to accede to additional PASF developments. In this context the loss of added PASF enhancements would be less costly to the PA in the long run than gaining capability but being seen as favoring Israeli security. Of course, if training and strategic communications are not supported by actual behaviors (e.g., easing roadblock times; ensuring unimpeded access to holy sites, providing legal aid in attaining permits, objecting to land seizures, etc.) – they could further weaken popular regard for the PASF.

Implications for USSC/USG Engagements

- Encourage emphasis on protection of all Palestinian citizens in PASF training and activities. PASF capability enhancements and training geared toward providing publically observable protection for Palestinians especially in areas associated with Palestinian livelihoods (e.g., orchards) and other areas traversed by Israeli settlers.

- Emphasize PASF protection role. Together with visible reemphasis of PASF activities, public affairs communications including outreach to civil society to reinforce message that purpose of PASF is to protect Palestinians can enhance public regard and PA legitimacy.

- Emphasize service provision and inclusiveness to enhance PA legitimacy. Other activities to strengthen PA governing legitimacy (e.g., inclusion of alternative views, dependable provision of services) are essential for PA legitimacy and ultimate success of security sector institution building.

- Carefully track both aspects of the PASF Security Paradox – Israeli government willingness to coordinate with and allow capability development for the PASF, plus accusations among Palestinians that the PASF are more concerned with protecting Israelis than with providing security for all Palestinians.

- Improve coordination between the PASF and the IDF relative to protocols pertaining to security situations that require PASF movement through Area's B and C in dealing with criminal matters.[27]

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[27] Movement currently requires IDF approval.

Israeli security activities in Areas A & B have self-reinforcing adverse effects on PA legitimacy and development of security sector institutions. IDF activity in the West Bank can represent an affront to Palestinian national sensitivities and thereby increase the level of Palestinian frustration and grievance that produces Palestinian unrest and violence against Israelis. Israeli security operations also can demonstrate the failure of the PA to provide security for its citizens, and damage PA legitimacy and PASF credibility, enhance the relative appeal of the resistance strategy of Hamas or other opposition groups and eventually degrade the conditions necessary to build PASF institutions.

Implications for USSC/USG Engagements

- Advocate for a return to more restrictive IDF ROE in the WB including restrictions on live fire, roadblocks and training exercises along with visible reduction in IDF presence in Areas A & B can reduce Palestinian social tension and, if representing observable change can help stabilize day-to-day security situation.

Uncertainty about the final status of the West Bank makes re-opening peace talks more difficult. Uncertainty about the permanence of the current arrangement in the West Bank both increases Palestinian frustration and potential violence, and supports Israeli government arguments for accelerated, large-scale settlement construction which also contributes to Palestinian frustration, and can strengthen the appeal of military resistance. Loss of popular support for the PA, coupled with insecure conditions in the territories has been used in the past by Israeli leaders as reasons for pulling out of peace talks.

Implications for USSC/USG Engagements

- US policy supporting "independent, viable and contiguous Palestinian state" has led Israeli governments to create 'facts on the ground' and literal barriers to negotiated settlement via land confiscation and military and settlement construction. To Palestinians, US statements, together with settlement construction, can ring hollow or at best are confusing given the intimation of sovereignty associated with "statehood."

Appendix A

GOI perceived legitimacy/ reliability of PA

force

GOI acceptance of PASF capability/ training

R

NGO/ int'l aid; overt

Gaps in legal bases for PASF authorities

PASF capability; development

PASF reputation for corrupt unfair treatment of public

PA provision of effective security for Israelis

B

Pal. public perception of security / justice preferences for Israelis

PASF

R

PA provision of effective security for Palestinians

Public satisfaction with PA security forces

R

Pal. popular satisfaction with security

strategy

IS controls on PA revenue

PA Governing Capacity

PA Provision of non-security public services

PA security sector institution building

Legitimacy of Resistance-based national identity/

Legitimacy of Oslo Approach

R

PA corruption

PA Governing legitimacy

Palestinian social frustration/ tension

Employment

WB Pal. economic growth and development

Strength of IS hawks/right wing

Right-wing GOI popularity

Israeli arrests/ imprisonment

Israeli Targeted killings

affront to Pal. Nat'l identity; idea of sovereign

control

R

Insecurity in Israel

IS forces' WB presence/ security activity

IS popular pressure for security

Israeli seizure; destruction of property

Pal. cross border attacks (into Israel)

checkpoints; roadblocks; security wall

Civil Admin permit system

Freedom of movement

Access to resources and markets

R

large-scale E. European/other immigration to Israel

Need for affordable housing

Improved quality of life for newer immigrants, middle class Israelis

Broadened "settler" demographic

WB settlement construction

Threat to/ attacks on IDF Israelis in WB

Uncertainty about permanence of current WB divisions

R