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Integrating the Counterintelligence Discipline into Israel's Security Concept

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In recent years, as terrorism has evolved into a global threat, a debate has arisen in Israel and in other democratic countries on the role of counterintelligence. However, discussion and thinking in Israel on the subject of counterintelligence has not received the attention it deserves in academic research and the public discourse on security compared to other national intelligence issues, and the topic remains in the shadows and almost unknown to the public. Israel's security concept does not address internal security challenges and the intelligence challenge from internal threats, and indeed, the internal dimension is not reflected in various reports about the security concept. However, Israel's unique internal security issues and the growing weight of counterintelligence in security decisions requires analysis as to if and how counterintelligence can become an official component of the security concept in response to existing and future security requirements. The article reviews various aspects of Israel's security concept, discusses the nature of the counterintelligence discipline and its implementation in Israel, examines the situation in other democratic countries, and offers a framework for thinking that integrates counterintelligence into Israel's security concept.

Keywords: counterintelligence, security concept, Israel, national security, internal security, Israel Security Agency

Introduction

Israel's security concept has undergone little change since it was shaped by David Ben-Gurion in the 1950s, despite the many military campaigns the state has experienced. While the foundation for Israel's security concept remains the IDF's strength and its ability to fulfill its missions, Israel does not appear to have a security concept that is updated, defined, and well-formulated. According to Gadi Eisenkot and Gabi Siboni (2019), bringing the security concept up to date is not highly ranked on either the public or academic / research agenda.

This article considers a particular element that is absent from the security concept: how should counterintelligence[1] be integrated into the security concept? Israel's unique internal security problems and the weight of counterintelligence in security decisions necessitate serious thought and debate on if and how counterintelligence can be part of Israel's security concept in response to existing and future security requirements. For this purpose, the article reviews aspects of Israel's security concept and the nature of the counterintelligence discipline and its implementation in Israel, and offers a framework for its integration into Israel's security concept.

Counterintelligence and the Israeli Perspective

In Israel, as in other Western democracies, there is a state intelligence service that is responsible for counterintelligence, namely, the Israel Security Agency (ISA). In the early 1950s, the ISA was made responsible for counterintelligence activity: counterterrorism, counter-espionage, and counter-subversion.

This was validated legally with the passing of the ISA Law in 2002 (under the name of the General Security Services Law), in which clauses 7(a) and (b) state: "The Service shall be in charge of the protection of State security and the order and institutions of the democratic regime against threats of terrorism, sabotage, subversion, espionage and disclosure of State secrets."

Other responsibilities were included in the Law, such as: "protecting persons, information and places…determining directives on security classification for positions and offices in the public service and in other bodies…establishing protection practices for bodies determined by the Government" (General Security Service Law, 2002). A comparative analysis shows that among counterintelligence agencies in Western democracies, the ISA enjoys the broadest scope of responsibilities (Barnea, 2017).

An important term in the ISA law is "subversion," which is not defined sufficiently, leaving the door open to wide interpretation by the ISA and granting it the independence to define individuals and/or organizations as subversive, without authorization from any other body. This in turn allows the use of covert tools provided to the ISA in order to protect state security, including wiretapping (without judicial oversight), and relatively free access to communications data in order to determine their legitimacy. Even though the ISA deals primarily with counterterrorism and counter-espionage, the definition of subversion has been a topic of debate due to the danger that the regime could be active in this field, via the ISA, in a way that is contrary to a democratic regime. For example, this was the case of the Wadi Salib events of 1959, when demonstrations and riots erupted in Haifa and around the country against a backdrop of ethnic discrimination and deprivation. At the request of the Prime Minister, the ISA took charge of intelligence "for the purpose of preventing terrorist activities and hooliganism" and operated some 50 informants in 35 communities in order to restore public order (Spiegel, 2017). Despite the issue being subject to police responsibility for public disturbances and not one of subversion (which is under ISA responsibility), the ISA was required to deal with it at the instruction of its direct government superior—the Prime Minister.

In view of the ambiguity regarding the term "subversion" as it appears in the 2002 ISA Law, in 2009 the ISA and the Justice Ministry were

called on to define it following a petition to the Supreme Court submitted by the Association for Civil Rights in Israel, which claimed that the lack of a definition in the ISA Law leaves too much open to interpretation. This is the definition that was proposed and then accepted: "An activity, even a nonviolent one, which has covert aspects, arising from ideological motives or the interests of foreign parties, the purpose or result of which is a violation of the law or the endangering of state security, or harming the democratic regime or its institutions or harming other state interests vital to the national security of the state as determined by the ISA Law" (Margalit, 2018). This important clarification, which *prima facie* does not necessarily include an element of illegality, was made in a letter sent by ISA head Yuval Diskin in April 2007 to the Attorney General (Nizri, 2007), but was not updated in the ISA Law, where the definition of "subversion" remains vague and therefore subject to different interpretations. The change was not brought to the attention of the public, and the ISA was forced to reveal it only in response to a petition to the High Court.

The ambiguity regarding the nature of "subversion" and the role of the ISA in this context returned for debate in the Supreme Court in 2017 (HC 13/5277) following a petition filed by the Association for Civil Rights in Israel against the ISA's practice of summoning political activists for warning meetings. At the heart of the hearing was the fundamental question: What is the role of a covert security organization in a democratic country, and what are the powers granted to the ISA to deal with "subversion." The court accepted the ISA's fundamental position that summoning civilians to informal conversations on grounds of fear of "subversive" activity may be legitimate in certain circumstances. However, it did set various restrictions on use of that authority, primarily, when concern arises regarding illegal activity that may compromise national security. The court also conditioned this use of power on the ISA's making clear to the person summoned

that questioning is completely voluntary and that he/she is not bound to show up for it.

Interestingly, the British counterintelligence agency (MI5) does not explicitly operate against subversion and the word does not appear in legislation. Rather, the Official Secrets Act (1989) forbids operations intended to undermine or overthrow parliamentary democracy by political, industrial, or violent means. However, it does not make use of the term subversion, but rather explains the concept, most likely to avoid too wide an interpretation of this term, which could be abused by the regime.

The ISA Law (2002) was passed in the Knesset while the public was preoccupied with the terrorist attacks of the second intifada. The subject did not awaken public debate and Knesset members questioned about it admitted that it was not at the top of their agenda at the time (66 MKs took part in the vote: 47 voted in favor, 16 against, and 3 abstained). While in the 1980s there were events that threw the public spotlight on the ISA (such as the Bus 300 affair, which was a formative event), on the whole its operations remained in the shadows and almost unknown to the public. An examination of online surveillance conducted by the ISA revealed fundamental questions that necessitate regulation. Cahane and Shany note that there is no regulation of fundamental issues in this field such as "sweeping communications collection," and there is lack of transparency, only partial judicial oversight, and the same for parliamentary oversight. The researchers offered a number of recommendations to rectify the situation (Cahane & Shany, 2019).

Following the release of the documentary *The Gatekeepers* (2012), a film that aroused great interest, a book *The Gatekeepers: Six Heads of the Shin Bet Speak* followed (Moreh, 2014; in English, 2018, *The Gatekeepers: Inside Israel Internal Security Agency*). The book takes a wider view than the film, with six senior officials providing their perspective on intelligence and internal security in Israel. The book focuses on first hand witness accounts by six heads

of the ISA interviewing for a documentary for the first time since the establishment of the state. It reviews ISA conduct from the Six Day War onward, from the extermination of terror cells that sprung up following the capture of the territories, through to the first intifada, the Oslo Accords, the Rabin assassination, and the targeted killing policy of the second intifada. The cumulative effect of the statements coming from these senior figures was that Israel's policy is driven by narrow tactical thinking and not by a comprehensive strategy. Therefore, consideration of the integration of the ISA into the national security concept is absent.

> Israel does not have an official text of a security concept. Unlike Israel, in the United States, each incoming president publishes a new, updated National Security Strategy that serves as the guiding foundation for security strategy and military strategy, from which security policy and an approach to the use of force are derived.

This is hardly surprising. As Dror Moreh, who wrote the book and directed the film, notes: The heads of the ISA "have always been at the forefront of operations, party to all secrets, close to prime ministers…their opinions and assessments have affected government policy in Judea, Samaria, and the Gaza Strip more than anyone else's" (Moreh, 2014). So when did they have time to think about integrating the ISA into the national security concept?! Avraham Shalom referred in a roundabout manner to demands that could have come from Israel's leaders, saying, "We didn't have strategy, just tactics" (Moreh, 2014). In other words, the expectation of Israel's leaders was to solve security issues at a tactical/local level; and debates did not take place at a leadership level with the participation of the heads of the ISA regarding expectations from the ISA as to policy toward the Palestinians in the medium and long terms.

Formulation of the Security Concept and the Security Discourse

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What has become accepted as Israel's security concept was formulated in 1953 by David Ben-Gurion, who would later write: "In our day, wars are waged between peoples, without any distinction between soldier and civilian. Today's war is total, and any community without exception may find itself under attack. The men will be in their combat units, and, I hope, will not sit in their homes and towns, but will go out in our military for offensive operations, crushing the enemy in its own territory. And we cannot assume that the enemy will lay idle; it will attack our towns" (Ben-Gurion, 1955). He added: "We have a unique military problem—we are few and our enemies are many. So how have we stood firm until now and how will we do so in the future? Only through our qualitative edge and our moral and intellectual superiority" (Ben-Gurion, 1955).

In August 1953, Ben-Gurion, who was Prime Minister and Defense Minister at the time, withdrew from politics and devoted his time to study Israel's security needs. He wrote: "This examination requires one to forget what one knows, drop one's prejudices, and see everything anew" (Ben-Gurion, 1955). The result was an 18-page document that presented a complete security doctrine that was brought before the government and to this day constitutes the basic outline of Israel's security concept. Among its tenets are the need to take the war to enemy territory, the IDF as a militia army (in that the bulk of its force consists of reserves), and the need to take the initiative immediately at the beginning of the war (Harkabi, 1999). The security concept dealt with the threat of an attack by an Arab coalition on several fronts

at the same time, and finding the necessary response to remove this threat. Ben-Gurion's security concept is not limited to just the military, but also incorporates distinct internal issues such as society, economy, science, and technology (Shelah, 2015).

The security concept has three main pillars: deterrence, strategic warning, and decision (Bar-Joseph, 2000). The approach to use of military force derived from the doctrine is that Israel must strive for short wars and quickly transfer the war to enemy territory. In the event that Israel is taken by surprise in the first phase, the regular army should hold off the enemy until the reserve forces are mobilized and the IDF can move to the offensive. It is from this concept that precedence is given to air superiority and advanced intelligence capabilities. Isaac Ben-Israel claimed that Ze'ev Jabotinsky's article "The Iron Wall," which was published in Russian in 1923, provided the blueprint for the principle that the Arab states must be seared with the understanding that the Jewish presence in the Land of Israel cannot be destroyed by force—a principle that was later adopted by Ben-Gurion and became one of the foundations of his security concept (Ben-Israel, 2013).

Writings from the 1950s by then-head of Military Intelligence Maj. Gen. Yehoshafat Harkabi (Harkabi, 2015) were the first attempt to describe the complete range of Israeli intelligence challenges. The topic of counterintelligence was almost completely absent from the book, including of course from the context of a security concept: "Security Intelligence [counterintelligence] is expressed particularly in assistance to security bodies… The topics of research in the security field: the enemy's intelligence, detailed research on the enemy's work in the country, and the research of underground circles and candidates for underground operations and their occurrence over there." Elsewhere in the book, Harkabi states: "Deceptive intelligence [counterintelligence]—the overall measures to prevent the enemy from obtaining intelligence

and undermining the enemy's agencies [through] the designated special organization." Harkabi's work also lacks a clear concept of counterintelligence, and his perspective is one of "security intelligence" in the context of the IDF's intelligence activities, and not a state preventive intelligence organization (ISA). Harkabi briefly mentions "underground circles," but not other important aspects of counterintelligence such as counter-espionage and counter-subversion.

Since the 1950s, there have been various attempts to update Israel's security concept that were not officially authorized. In 2006, the Committee for the Formulation of Israel's National Security Doctrine, headed by Dan Meridor, presented its report, which aimed to examine the validity of the existing security concept and to recommend an updated security concept. The Committee's report was adopted by the Defense Minister and presented to the Prime Minister, the Ministerial Committee on National Security Affairs (the security cabinet), the heads of the security establishment, the forum of the IDF General Staff, and other officials. The report gained widespread approval and in practice some of its recommendations were adopted. For example, a fourth pillar (defense) was added to the security triad of deterrence, warning, and decision (Meridor & Eldadi, 2018). The Meridor Report does not contain any reference to Israel's internal security challenges. A document that examined the Meridor Committee Report a decade after its submission noted that a significant portion of the principles of the security concept remain relevant, and stated that there is a vital need for an updated and relevant national security concept to be formulated as soon as possible.

The need to reformulate Israel's security concept was also raised at the Herzliya Forum for Re-Formulating Israel's National Security Doctrine in 2014. Alex Mintz and Shaul Shay noted in a position paper: "During the past two decades there have been dramatic changes in the geopolitical fabric of the countries of

the Middle East, and since 2011, following the 'Arab Spring' revolutions, the region has been characterized by instability and crises that are still ongoing. The region is marked by uncertainty about its future. Changes that took place in the past and are still ongoing demand a re-examination of Israel's security concept, which is based on a very different geopolitical reality" (Mintz & Shay, 2014). Alongside the "big four" (deterrence, warning, decision, and defense), the authors suggested an additional component to Israel's security concept: adaptation to dynamic and changing realities due to the frequency of regional and intra-state geopolitical changes, including in conflict states. The authors pointed to new challenges in the arena, emphasizing that this was not a tactical aspect of the concept, but a perceptual-strategic aspect. Their document does not address aspects of internal security in Israel.

Former Chief of Staff Gadi Eisenkot, together with Gabi Siboni, recently published *Guidelines for Israel's National Security Strategy*. The two address the essence of the threats currently faced by Israel. "Israel today finds itself navigating a landscape of changing threats. The major distinguishing shift is that the principal adversary is no longer a coalition of Arab states set on destroying Israel through large-scale ground maneuvers. Adversaries now include nonstate organizations wielding a strategy of limited attack and incursions onto Israeli soil. While the overarching goal of these enemies remains the same—causing the State of Israel's collapse and thus eliminating it as a political entity—their modus operandi has changed fundamentally. It now combines two efforts—physical and cognitive. The cognitive effort consists of applying continuous pressure on Israeli society and Israel's standing in the international community" (Eisenkot & Siboni, 2019, p. iv).

The authors define the external threats faced by Israel as follows: "**Conventional threats** from state militaries or non-state organizations operating like state militaries. **Nonconventional threats**, mainly consisting of efforts to achieve military nuclear capabilities. **Subconventional threats**, which include guerrilla warfare and terrorism from both within and outside Israel. **Cyberspace and information threats** (Eisenkot & Siboni, 2019, p. v, emphasis in original). Reference to internal challenges is minimal, and the authors define them as centering on "an erosion of solidarity among segments of the population" as a result of deep differences of opinion on issues that are key to the character of the state (p. v). The document does not comprehensively address the subject of internal security, in particular in aspects that this article addresses. The *IDF Strategy*, originally published in August 2015 and in an updated version in April 2018, likewise does not address the issue in the chapters on the connection between IDF strategy and national security, but it appears that this topic is worthy of a separate discussion.

In a series of articles published in 1987 under the title *Intelligence and National Security* (Ofer & Kober, 1987), leading defense researchers and thinkers comprehensively address the issue of internal security and intelligence from numerous aspects. However, not one of the 38 articles in the book references the internal threat, internal security, and other aspects connected to intelligence, in this case, counterintelligence. Meir Amit, in his article "The Israeli Intelligence Community" (Amit, 1987) mentions the ISA on only one occasion. In Haim Yavetz's article "Intelligence in the National Security Concept and Force Buildup" (Yavetz, 1987) there is no mention of the counterintelligence aspect. Aharon Yariv, in "The Role of Intelligence in Fighting Terrorism" (Yariv, 1987), tries to deal with the operational aspects of intelligence in this field, and not in a broad context of the security, intelligence, and internal security concept.

Arnon Sofer presented a different approach. In 1985, Sofer wrote an article titled "Geography and National Security" in which he addressed the internal security threat to Israel from the

country's Arab minority and the Arab population of the territories. Sofer wrote: "Special weight should be placed on the distribution of the Arab population in Israel. There are many risks inherent in the location of most of the Arab population in the Israeli mountain range (Galilee, Samaria, Jerusalem, and Judea) and this has a great impact on Israel's national security equation...In every place in the world where a large minority population is located in a specific territory there are pressures for autonomy or irredentism. In Israel's case, this population is part of the majority population in the region: It has family ties with those on the other side of the border and is characterized by a high level of hostility to Israel and furthermore enjoys massive international support...[geographical] distribution is not static. It has dynamics of profusion and expansion in every direction...the need to supervise this population is a serious security worry...necessitating the allocation of large forces to secure routes (Sofer, 1985). Dan Schueftan wrote in a similar vein when addressing the security threat as a result of the intention of Israel's Arabs to bring about the collapse of the Jewish state and found a bi-national state in its place, which would be a stage on the road to an Arab state (Schueftan, 2011).

The perception that the IDF is capable of achieving complete decision on the battlefield no longer seems realistic. General Israel Tal wrote of this many years ago: "Forcing one's will on the enemy requires the denial of its sovereignty by force and its return only for the fulfillment of conditions dictated to it. This is beyond Israel's power" (Tal, 1996). Uri Bar-Joseph claims that Israel's security strategy is defensive, and its goal is to achieve victory and push off the next round as much as possible. The idea that if we deal the Arabs a strong enough blow they will be deterred from challenging us has been proven wrong over and over again (Bar-Joseph, 2000).

While Israel's national security concept is focused primarily on the IDF's ability to deal

with external threats, it also includes internal aspects connected to solidarity and national resilience, and on ties with the United States. The addition of a defensive component to a security concept affects military deployment and preparation, primarily the preparation of the home front, and it was for this purpose that the Home Front Command was established and has subsequently received greater resources and attention in light of the increased threat to the civilian population. The establishment of the Home Front Command was also one of the lessons of the 1991 Gulf War.

Thus, Israel's counterintelligence approach is based on the ISA Law (Clause 7 (a)) as follows: "The Service shall be in charge of the protection of State security and the order and institutions of the democratic regime against threats of terrorism, sabotage, subversion, espionage and disclosure of State secrets." The above is based on an unwritten law regarding the ISA's fields of responsibility that were formulated over the course of many years following the establishment of the State of Israel. The security concept does not address internal security challenges, and in particular the role of intelligence in confronting internal threats, and therefore, is not addressed in the various reports on the security concept.

The Internal Security Threat: Until the Six Day War

Until 1967, the possibility that Israel's Arab minority could create an internal security threat during a war with surrounding Arab states was not considered, even though since the establishment of the state, Israel saw its Arab population as a security threat. This was expressed, inter alia, by Yigal Alon, one of the top Ahdut HaAvoda (Labor Unity) leaders, who asserted that "the Arabs identify with the enemies of the state, and listed the dangers to Israel as a result: (1) espionage (2) sabotage and terrorism (3) a fifth column in the event of war (4) incitement and scare tactics employed by Arab extremists toward the rest of

the population (5) an attempt to form a regional autonomy (6) activity for the return of refugees (7) disturbances in order to gain attention" (Baumel, 2007). Thus, until 1966 Israel's Arab population lived under military rule governed by the IDF with significant assistance from the ISA as the intelligence arm of the military rule; the main goal was to deter any attempt at uprising and to receive alerts on any subversive deployment that could threaten Israel. The cancelation of military rule can be explained by the recognition that the threat was no longer as significant or dangerous as it had been.

The fear of Israel's Arabs was manifested in one extreme case: the Kafr Kassem massacre, in which 43 residents of the village were killed on the first day of Operation Kadesh (October 29, 1956), following a decision to impose a curfew on Arab villages near the Jordanian border given concerns that during the military operation Arab residents could carry out acts that would harm state security.

Prime Minister and Defense Minister David Ben-Gurion claimed that military rule was a necessity in order to prevent the Arabs from rebelling. Indeed, military rule documents from 1956 stated: "Out of 200,000 Arabs and other minorities in Israel, we have not found anyone loyal to the state" (Raz, 2020). Today, in retrospect, it would seem that the threat of subversion leading to hostilities inside Israel was non-existent then, primarily because the ISA had highly developed intelligence gathering and early warning capabilities.

In 1959, the Arab al-Ard (Land) movement was established. The movement was opposed to the existence of Israel as a Jewish state and its goal was to turn the country into a multinational state. The movement was outlawed on the basis of emergency regulations, and the High Court of Justice ruled that there was a need to protect the state from "subversive elements who wished to destroy it from within" (HCJ 64/253). The leaders of al-Ard tried to run for the Knesset, but their list was disqualified by the Supreme Court (Yardour ruling, 1965). The

movement's activities were exceptional, did not receive public support, and disappeared from the public agenda. During this period, the ISA dealt mainly with subversive activities by Arabs in Israel, inter alia, from the Arab branch of Maki, the Israeli Communist Party, and Rakah, the New Communist List that had split off from Maki and was marginal and did not endanger national security. During the waiting period before the Six Day War, there was some unrest on the Arab street in Israel and identification with Egyptian President Nasser, but nothing beyond that.

The decision by Prime Minister Levi Eshkol to suspend military rule was not an easy one (Goldstein, 2003). The move was opposed by the IDF and to a certain extent by the ISA as well (Osetzky-Lazar, 2002). Eshkol believed that suspending military rule alongside policy changes would enable the Arab population to cooperate with the Jewish government. In his opinion, military rule made it difficult to integrate the Arab population into Israeli society. At the same time, the lifting of military rule did not create significant change in the lives of Arab residents, as even after the step there remained "security areas" where the police and ISA continued to operate.

In practice, until the Six Day War, the ISA continued to focus on countering East European espionage, in particular on the part of the Soviet Union. Indeed, quite a few spies were arrested during that period, including some that managed to cause significant damage to Israel's security (Bergman, 2016). Israel was an important target for Soviet intelligence due to its special relations with the United States and the Western world. The more the Soviets and their satellites tightened their military connections with Arab states, in particular Egypt and Syria, the more their intelligence took an interest in Israel. The embassies of these countries in Israel became centers for gathering intelligence on the state. The espionage activities of Arab countries, especially Egypt, was of a small scale and did not pose a significant threat.

From the Six Day War to the Present

The major turning point in the history of the ISA commenced with the end of the Six Day War (1967). The agency found itself faced with new, unfamiliar problems: the responsibility to prevent Palestinian terrorism and subversion in the West Bank and the Gaza Strip fell to the ISA, which responded to the new challenge and deployed quickly in the territories. The ISA, unlike the IDF, did not have a contingency plan for deployment in the territories. The IDF had prepared the Shaham program to divide the territories into districts with professionals in charge of each district (Michaelson, 2019). In his book *The Stick and the Carrot: The Israeli Administration in Judea and Samaria* (Gazit, 1985), Shlomo Gazit, who was the Coordinator of Government Activities in the Territories, describes the policy principles governing the war on terror as defined by then-Defense Minister Moshe Dayan and later carried out by the ISA and IDF. The first and primary assumption of the war on the phenomenon of terror was that there is no way to achieve total victory over terrorism, and that there was no chance of maintaining military rule over the territories over a long period of time without the population attempting uprisings.

International experience has shown that as long as the political problem is not solved, punishment and repression, however painful, are not sufficient to create an absolute deterrent. Hence, Gazit claims that the purpose of Israeli policy in the territories was to minimize terrorism and keep it on a low flame as much as possible, and to create a situation in which acts of sabotage and the phenomenon of resistance would not reach dimensions that would dictate fundamental and principal Israeli decisions. The main goal in fighting hostile terrorist activity was to isolate the terrorist from the population so that it would refrain from hiding and assisting him, even though the population's natural sympathy was to terrorists and not the Israeli regime. Indeed, since the Six Day War and the capture of the

territories, the ISA, with the assistance of the IDF and the Israel Police, has focused primarily on preventing Palestinian terrorism from the territories. After a short period in which the Palestinian Liberation Organization (PLO) operated from the West Bank and Gaza, most terrorist activity in the territories was directed from PLO command centers and those of other Palestinian organizations operating from beyond Israel's borders, primarily from Jordan and Lebanon, and later from Tunisia (until the Oslo Accords). Since the middle of the 1990s, terrorist operations have been directed from within the territories, primarily by Hamas, and there has also been an increase in lone-wolf terrorism (Barbing & Glick, 2019).

In the 1970s, Palestinian terrorists began to operate against Israel from overseas by conducting terrorist attacks against Israeli targets beyond Israel's borders. The most prominent example was the massacre of Israeli athletes at the 1972 Munich Olympics. The ISA was tasked with security at Israeli institutions overseas such as diplomatic missions, official representations, and El Al Airlines.

Beyond comprehensive, day-to-day counterterrorism activities, which are largely operational and assisted by the IDF and the Israel Police, two insurgencies among the Arab population of the West Bank and Gaza stand out: the first intifada (which began in late 1987) and the second intifada (which erupted in 2000), both of which seeped over into Israel. During periods when Israel was engaged in

military campaigns, the Yom Kippur War (1973), missile fire on Israel by Iraq in the First Gulf War (1991), the First Lebanon War (1982), the Second Lebanon War (2006), and rounds of conflict in Gaza, there was no severe unrest in the territories or overflow into Israel. Even the events of the Western Wall Tunnel riots in September 1996, in which 17 IDF soldiers were killed, did not spill over the Green Line. In recent years, the Palestinian security apparatuses have been of great assistance in maintaining quiet in the West Bank and reducing friction during clashes with Gaza (Barbing & Glick, 2019).

> The cyber arena has also become a focus of security threats and risks to Israel. There has been extensive activity in this arena that jeopardizes national security, inter alia by state espionage, industrial espionage (mainly theft of advanced technologies), damage to critical national infrastructure, and attempts to influence public opinion.

The cyber arena has also become a focus of security threats and risks to Israel. There has been extensive activity in this arena that jeopardizes national security, inter alia by state espionage, industrial espionage (mainly theft of advanced technologies), damage to critical national infrastructure, and attempts to influence public opinion (National Cyber Directorate, 2017). The head of the ISA, Nadav Argaman, warned in 2019 that a foreign power could try and intervene in elections "by cyber means—hackers and so forth" (Ynet, 2019). "The National Cyber Directorate is the national security and technological agency responsible for defending Israel's national cyberspace and for establishing and advancing Israel's cyber power. The Directorate operates at the national level to constantly strengthen the level of defense of organizations and citizens, to prevent and handle cyberattacks and to strengthen emergency response capabilities. As part of its roles, the Directorate advances

innovative cyber solutions and forward-looking technological solutions" (National Cyber Directorate website). In practice, this means coordinating and managing all the bodies and units dealing with cyber defense in the IDF, ISA, and the civilian sector under one roof. With regard to the prevention of cyber attacks on Israel, even though significant information is not published about threats and preventive operations (Eichner, 2017), it is clear that the issue assumes an important place in the preventive activities of the ISA and the security establishment. Details of the ISA activities in this area are available on the organization's website (ISA website). Publicly available data does not provide any clear evidence of a negative impact of the ISA cyber activity on Israeli democracy, and the topic is outside the scope of this article, although worthy of independent research.

Case Study: Participation of Israel's Arab Citizens in the Second Intifada

In order to illustrate one of the possible scenarios of insurgency in the West Bank spilling over into Israel and creating an internal security threat that could be intensified if Israel was attacked at the same time by an external enemy, the essay examines the participation of Israel's Arab citizens in the second intifada. Early warning of such an event or a similar event should come from the ISA, causing police and perhaps even military deployment ahead of time**.** In this case, there was no early warning,

The second intifada (which began in September 2000) erupted in the West Bank and Gaza after the head of the opposition, Ariel Sharon, went up to the Temple Mount. It included significant civil unrest by Arabs around Israel that continued for about a week and was a strategic surprise for the government, which encountered great difficulty in lowering the flames and restoring order. The Or Commission, or by its full name the Commission of Inquiry into the Clashes Between Security Forces and Israeli Citizens in October 2000, was set up to investigate the events of October 2000: a wave of

protests and demonstrations by Arabs in Israel identifying with the Arabs of the West Bank after the outbreak of the second intifada. The Commission's report provides us with a glimpse of one of the possible threat scenarios. The Commission noted in its report that the riots that took place in the Arab sector inside the country in early October 2000 were unprecedented and extraordinary. During the events, 13 Arab citizens and one Jewish citizen were killed (Or Commission, 2003).

There were warnings about the explosive situation in the Arab sector some six months before the riots broke out, but nevertheless, Sharon was not prevented from going up to the Temple Mount. The unrest that grew into the second intifada quickly spilled over the Green Line. According to the Or Commission, there were warnings of widespread riots since late May 2000, following the manifestations of radicalization among Israeli Arabs (Or Commission). However, the ISA's assessment of the outbreak of a civilian uprising was as follows (Clause 189): "At this stage, an intifada is not expected, in the sense that this term is used for events that occurred in the territories in 1991-1987. The intention was that a general popular uprising was not expected against the state and state institutions, employing violence and establishing alternative institutions. The head of the ISA's northern district testified in this spirit before the commission."

However, a document prepared by the National Security Council on September 26 predicted developments correctly, stating: "The activities of Israeli Arabs could take on a similar but more violent character to previous activities during the difficult period of the 'intifada.' The intensity of the reaction depends on the situation that develops and may include violent demonstrations, roadblocks, and attacks on symbols of the state such as police stations, post offices, and bank branches. Israel's response to Palestinians activities [could lead] to a Palestinian counter response, escalation, and wide scale expansion of hostilities in the

'territories'…[and these] could intensify the nature/activity of Israeli Arabs; and the more Palestinian casualties there are, the more resistance by Israeli Arabs will increase as more and more moderates are swept into taking part in violent demonstrations" (Clause 193).

The Or Commission points to the potential for civil uprising inside the Green Line, as a result of developments in the territories, inside the Green Line, or a combination of both. Therefore, the possibility should not be excluded that a future round of conflict on one or more fronts simultaneously could be a catalyst for such events. Gathering intelligence that could prevent unrest and a deterioration that could lead to violent activities is the responsibility of the ISA, with the police in practice carrying out required operations, inter alia on the basis of reports received from the ISA.

The events of the second intifada can be analyzed through elements of the security concept. From the Commission's report we can learn that the ISA had warnings of possible unrest in the Arab sector in Israel. Evidently, the warning was not effective, and the security establishment did not deploy as it should have with the intelligence at its disposal. Following the outbreak of violence, the ISA and the Israel Police focused on defense and calming tensions, but they had difficulty in doing so because, as the Or Commission noted, the police were not ready and the level of violence in at least parts of the country, primarily the north, was high.

In times of calm, Israel's Arab citizens are not generally involved in terrorist activities, although in recent years there have been a number of serious cases, such as the terrorist attack in Dizengoff Street in Tel Aviv by a resident of Arara (January 2016), the attack on the Temple Mount by two men from Umm el-Fahm (July 2017), and the attack on the central bus station in Beersheba by a resident of the village of Hura in the Negev (October 2015). The case study described above deals with an extreme scenario that could happen again in the future

in certain circumstances, such as an uprising in the West Bank.

Counterintelligence and the National Security Concept

The field of counterintelligence in Israel, which was not regulated until 2002, is formally established in the ISA Law. As noted in the law, it includes several fields belonging to the broader framework of state security, beyond the "classic" roles of counterintelligence organizations such as counterterrorism, counter-subversion, and counter-espionage. These include preventing the leak of secrets, personal protection of public officials, protection of information and facilities, and security classification. However, beyond this law there is no reference to interfaces with other relevant bodies such as the Israel Police and the IDF. No official publications were found dealing with this issue that concerns the implementation of lessons learned from the Or Commission report. Even *Guidelines for Israel's National Security Strategy* (Eisenkot & Siboni, 2019) does not contain any reference to internal security and to internal threats. Nor does it contain any reference to the response to these threats that necessitates integration and synchronization of efforts between the IDF, Israel

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Police, and the ISA, along with definition of fields of responsibility, roles, and interfaces between these three organizations. The Or Commission report, which is a formative document, did not become the foundation and reference point that it should have on the role of counterintelligence

in the national security concept, and to a great extent this constitutes a missed opportunity.

In Israel, as well as in other Western countries, there is a public debate over the balance between security requirements and democracy, such as individual rights and freedom of expression. In 1989, Supreme Court Justice Yitzhak Zamir stated that "when there is a frontal clash between national security and human rights and there is no way to reconcile them, national security prevails." However, Zamir went on to say, "In practice, such a clash rarely occurs. It is usually possible to find an intermediate way. For the most part, human rights need not be sacrificed for state security. The two can be balanced without compromising state security at all" (Zamir, 1989).

The tension between national security and human rights exists and is often debated in the courts and in the public discourse, usually in the context of counterterrorism operations and political subversion. Among the issues discussed (Gil, Tuval, & Levy, 2010): administrative detention, rights of those interrogated, house demolitions, use of physical pressure in interrogations, targeted killings, deportations, outlawing of political activities and more—all issues in which the ISA is actively involved, as they fall under its jurisdiction—are counterterrorism and counter-subversion, in which the ISA operates together with the defense establishment, the courts, and State Attorney's office.

The question of how the ISA should be integrated in the national security concept, with regard to internal security threats, has not been discussed. The main reason is that in Israel the security concept is focused on external military threats, and the intelligence component supports military operations aimed at deterrence, strategic warning, decision, and defense. Another possible reason is the estimation, based on past experience, that the internal security threat does not constitute a serious risk factor. When the State of Israel was

busy fighting wars with its enemies, the internal security front remained quiet.

An additional reason is the estimation that the ISA is effective and focused in countering terrorism and countering subversion among the Arabs of the territories and Israel, and vis-à-vis foreign intelligence organizations and cyber attacks, and therefore its operational and deterrent capabilities will suffice in exceptional cases, as noted above. With the establishment of the state, the Arab minority was defined as having equal rights. Despite this, however, Israel for many years maintained military rule over Israel's Arab population due to security concerns that in retrospect turned out to be exaggerated. When the first intifada broke out in 1987 there was concern that unrest would spill over into the Green Line but that did not happen, as actions were taken to make clear to the Arab leadership in Israel that the Israeli response would be uncompromising. This was not the case in October 2000, immediately after the start of the second intifada.

Since 1967, Israel's security situation has become more complex. The State of Israel controls a large and hostile Palestinian population in the West Bank. Inside the Green Line as well, there is an Arab population that often identifies with the Palestinians in the territories, and within that population there are persons who constitute a security risk. The question whether the Arab minority constitutes a security risk is politically sensitive and is part of the debate on how the Arab minority is treated in Israel as a democratic state. In recent years it has also surfaced in court rulings in Israel. For example, in a Supreme Court ruling dealing with the absence of enforcement of the Defense Service Law on the Arab minority, the court accepted the position of the security establishment that one of the reasons underlying this arrangement is: "security reasons...on account of which, in the absence of an overall peace agreement, the Arab minority constitutes a security risk, and it is reasonable to assume that this will continue to be the case in the future" (Orgard, 2006). However, in another Supreme Court ruling on the issue of discrimination of Arabs at airports, the court ruled that "an entire population cannot be tagged as a security risk" (HCJ 07/4797).

The significance of the proposal to integrate counterintelligence officially in the security concept as part of the fourth pillar of the security concept is to make it part of the defense element. In other words, when threats are assessed, internal threats should also be addressed comprehensively, especially in times preceding violent conflict, during clashes, and even during wars. The situation could be especially troubling if Israel were to find itself in a scenario of simultaneous external military conflict and internal unrest.

The ISA must be involved in the state's security concept, especially in view of the definition of its fields of responsibility in the ISA Law. The significance of the proposal to integrate counterintelligence officially in the security concept as part of the fourth pillar of the security concept is to make it part of the defense element. In other words, when threats are assessed, internal threats should also be addressed comprehensively, especially in times preceding violent conflict, during clashes, and even during wars. The situation could be especially troubling if Israel were to find itself in a scenario of simultaneous external military conflict and internal unrest. This has not happened in the past, and the question is whether the security establishment is ready from both a conceptual and operational point of view for such a scenario. An additional component for the national security concept is also possible, whereby internal security is coordinated by the IDF, the ISA is charged with gathering intelligence, and the Israel Police with maintaining public order, and if necessary IDF forces will be mobilized, primarily from reserve forces. This is not a response to the missile

threat on the home front, but a response to internal security threats.

There is a need to consider how to provide a response to a dual threat. A simultaneous external security threat and an internal security threat requires prior deployment and preparation, including the allocation of special resources to the IDF and the police to deal with internal threats and to prepare them for operations in such a scenario in order to prevent the development of a twin scenario. In the current situation it is not clear what the response to an internal security threat will look like during an emergency on the military front, and what kind of prior deployment is needed in order to provide an effective response. It is possible that the dual threat scenario will receive a suitable response as part of preparation processes for times of emergency, if these become part of Israel's national security concept.

Conclusion

This article reviews the main points of Israel's security concept, focusing on important aspects of counterintelligence activities in Israel, along with a brief overview of this field around the world, as this security discipline is not sufficiently well known. The article surveys the development of the ISA over the years and places special emphasis on the ISA Law, which gives an official seal to the organization's activities and in practice gives legal countenance for activities that were already commonplace for many years. The debate over counterintelligence and the national security concept draws attention to the existing differential given the reality in which counterintelligence is integrated into internal security on issues that fall under ISA responsibility, while conceptually it is not "officially recognized" as part of the security concept.

In the United States there is explicit and official reference to the role of counterintelligence. This appears in official internal security policy documents and the official document signed by

the President of the United States concerning the national security strategy (National Security Strategy, 2017). Homeland Security and counterintelligence roles are discussed in further detail in the National Intelligence Strategy (2019), signed by the head of the US intelligence community. This can serve as an example that could be implemented in Israel, with the necessary adjustments.

The question arises why counterintelligence is not part of Israel's official security concept, despite its great importance to national security and despite the high regard for the ISA's counterintelligence activities. The threats that the ISA deals with today are primarily prevention of terrorism and subversion, fields in which its operations are sometimes revealed to the public, while other fields it deals with such as prevention of cyberattacks and counterespionage against Iran, Russia, China, and other countries is usually covert and does not receive recognition as being integral to national security.

In recent years, the influence of counterintelligence on security preparedness and on decision making in Israel has become of paramount importance, both in terms of routine security and for deployment ahead of and during times of emergency, such as war and wide scale military operations. The article calls for an official debate on counterintelligence in Israel's security concept, a debate that will strengthen the adaptation of the security concept to the challenges facing the country.

In order to examine the integration of the internal security threat in Israel's security concept (as part of the defense pillar) broad staff work is needed that will include the ISA, outlined as follows:

a. Analysis and assessment of the internal threats in routine times, with an emphasis on the security threat from a flare-up in the territories and within Israel, and on cyber threats.

b. An assessment with regard to a simultaneous external and internal security threat in

times of emergency (war or wide-scale IDF operations).

c. Preparation of scenarios for possible developments in various security situations, both internal and external, and the integration of counterintelligence into the possible responses of the defense establishment.

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Note

1   Counterintelligence: "Information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities." Director of National Intelligence (2016), National Counterintelligence Strategy of the United States of America, https://www.dni.gov/files/NCSC/documents/Regulations/National_CI_Strategy_2016.pdf