

THE PALESTINIAN SECURITY SECTOR



Photo: Courtesy of Al-Istiqlal University, Jericho

1. INTRODUCTION



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While “security arrangements” were one of the issues deferred to the so-called permanent status negotiations, the September 1993 Declaration of Principles on Interim Self-Government Arrangements and the subsequent Oslo I and Oslo II Accords provided for a “strong police force”¹ to maintain public order and internal security in the occupied Palestinian territories (OPT). Since then, the Palestinian forces have undergone numerous reform processes in line with political developments and changes in leadership and security policies, but the focus remained on law and order in the OPT and on the assurance of Israeli - rather than Palestinian - security, thus creating a major potential for conflict from the outset.

Although the Palestinian security sector has played a critical role for 27 years now – currently with some 52,000 forces in the West Bank and Gaza combined, which account for about a quarter of the budget of the Palestinian Authority (PA) – little is known in the public domain about its operations, relations, and functioning or the role of external actors and the complexity of their involvement.

This bulletin seeks to fill this knowledge gap and provide a comprehensive overview of the origins and evolution as well as current structure and roles of the Palestinian Authority Security Forces (PASF). It looks at the facts and figures behind the sometimes-stereotypical images of the PA’s security sector and examines its environment, including public perceptions of its performance and the role of international actors. It is hoped that this will contribute to a comprehensive understanding not only of the various forces’ functions and the challenges to their legitimacy and authority, but also of the criticism directed at them and the dilemma they face, on the one hand symbolizing independence with their arms and uniforms, but on the other hand confronting the reality of occupation and the dwindling prospects for achieving the goal of a Palestinian state.

Looking ahead, the bulletin also addresses the prospects for the continued sustainability of the PASF and what needs to be done to maintain and increase their efficiency and public legitimacy as well as formalize a much-needed national security doctrine.

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¹ DOP, Article VIII.

2. Historical Background

Oslo Accords 1993-1999

The Palestinian security sector has its origins in the Declaration of Principles on Interim Self-Government Arrangements (DoP) which the PLO and Israel signed on 13 September 1993 and which, *inter alia*, provided for a “strong police force” to maintain public order and internal security, while Israel remained in charge of defending against “external threats” and “overall security of Israelis”, including settlers.² A joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes was also established³ and in December 1993 the first police donor conference was held in Oslo.

On 12 April 1994, a 9,000-force strong Palestinian police was agreed upon (2,000 from OPT and 7,000 from outside, i.e., the Palestine Liberation Army⁴) and the Oslo I Accord, signed on 4 May 1994, allowed their deployment in areas from where the Israeli army withdrew – initially Jericho and Gaza. All personnel required Israeli authorization and their equipment was limited to 7,000 firearms, 120 machine guns, and 45 armored vehicles.⁵ On 10 May 1994, the first 157 policemen crossed into Gaza from Egypt, and three days later, the PLA’s Al-Aqsa Brigade took up policing duties in Jericho.

The Oslo II Accord, signed on 28 September 1995, extended self-rule to the remaining West Bank, where forces – now 30,000 (12,000 in the West Bank, 18,000 in Gaza) and divided into branches⁶ – deployed in November and December 1995, with the additional task of preventing and combating violence and incitement of violence against Israel.⁷

This was challenged in 1996 by a series of suicide bombings, after which the PASF cracked down on Hamas, and the ‘tunnel riots’ in September 1996, when Palestinian forces exchanged fire with Israeli forces, making Israel’s worst fears that the PASF would become a significant threat come true.⁸

Accordingly, the 1998 Wye River Memorandum on resuming implementation of the Oslo Accords required the PA to confiscate weapons, step up efforts against alleged terrorists, and remove anti-Israel phrases from the Palestinian national covenant.

Second Intifada (2000-2006)

In mid-May 2000, during Nakba Day demonstrations, Israeli and Palestinian forces traded live fire again,⁹ and on 28 September 2000, amid the crisis generated by the failure of the Camp David summit two months earlier, then Israeli opposition leader Ariel Sharon’s provocative “touring” of the Al-Aqsa Mosque compound sparked clashes that soon spread beyond Jerusalem and became known as the Second or Al-Aqsa Intifada. PASF members openly participated in the fighting, which was attributed to the disarray in their structure at the time and the meddling of “unofficial” players such as the Fatah Tanzim and the Al-Aqsa Martyrs Brigades.

Negotiation Positions

Israel’s general position remains that its security takes precedence above all else and requires defensible borders, military presence along them and in the Jordan Valley, early warning stations, and complete control of the airspace above the West Bank and Gaza, where, at best, a demilitarized Palestinian state could emerge.** The Palestinians, on the other hand, maintain that it is impossible to discuss security before establishing the borders of the Palestinian state, which must be able to defend itself from external threats and cannot be demilitarized (while principally agreeing to arms limitations in return for full Israeli withdrawal and third-party presence). Palestinians have repeatedly brought up the notion of an international presence to protect borders, monitor crossings, resolve disputes, etc., which Israel rejects in principle.

** For example, Israeli Prime Minister Netanyahu stated during the 2014 Gaza War that Israel would never relinquish security control west of the Jordan River Jordan. “Netanyahu finally speaks his mind,” *Times of Israel*, 13 July 2014; <https://www.timesofisrael.com/netanyahu-finally-speaks-his-mind/>.

² DoP, Art. VIII.

³ DoP, Annex II, Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area: 3 e.

⁴ Critical voices argued that the security services were used to co-opt individuals who might otherwise have joined the ranks of the opposition factions.

⁵ Oslo I, Art. VIII and IX as well as Annex I, especially Article III.

⁶ Civil Police, Public Security, Preventive Security, Presidential Security, Intelligence, and Emergency Services and Rescue, see Oslo II, Annex I, Art. II and IV.

⁷ Oslo II, Art. XII and XIV.

⁸ During the three-day-long clashes, which were triggered by Israel’s opening of a tunnel under the Old City of Jerusalem, about 17 Israeli soldiers and 100 Palestinians were killed and hundreds more injured.

⁹ At least four PASF officers were killed in the clashes, see “Violence Erupts in West Bank,” *BBC News*, 15 May 2000, http://news.bbc.co.uk/1/hi/world/middle_east/748844.stm.

In April 2001, the Sharm El-Sheikh Fact-Finding Committee's report on the events leading up to the Al-Aqsa Intifada (also known as Mitchell Plan after its head, US envoy George J. Mitchell), called, *inter alia*, for a resumption of security cooperation, and was followed in June 2001 by a ceasefire and security plan drafted by CIA Director George Tenet, calling on Israel and the PA to take steps to prevent future violence.

On 26 June 2002, the PA published a 100-Day Plan for Reforms, which in the area of public security called for (1) restructuring the Ministry of Interior (Mol), attaching the security services and modernizing them, (2) paying attention to the population's need for safety, order and respect for the law; (3) ensuring discipline within the PASF; (4) reinforcing the loyalty to both the PA and to the job; and (5) raising public awareness on these measures.

In 2003, the "Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict," aimed at achieving a final settlement in three phases by 2005, but essentially pushing for a Palestinian security apparatus that first and foremost serves Israel.¹⁰ President Arafat subsequently established a Palestinian National Security Council to oversee all security mechanisms.¹¹

After President Arafat's death in 2004 and the election of Mahmoud Abbas as his successor in 2005, reform efforts in the security sector picked up speed, assisted by the creation of the US Security Coordinator (USSC) and passage of important legislation: the Law of Service in the Palestinian Security Forces No. 8, regulating the management and operations of the security agencies, and the Law on General Intelligence No. 17.¹²

In January 2006, the **EU Police Mission in the Palestinian Territories (EUPOL COPPS)** began to support police to become sustainable and effective. At the same time, Hamas surprisingly won the PLC elections, leading to a cessation of aid to the PA, chaos among the PASF, and infighting between Fatah and Hamas, with the latter taking over Gaza in June 2007.¹³

Reforms and Professionalization (since 2007)

The phase since 2007 is characterized by the restructuring and professionalization of the PASF, beginning with then-Prime Minister Salam Fayyad's post-civil war reform and institution-building program, supported by the USSC under the leadership of General Keith Dayton (establishing what long was referred to as the "Dayton forces"). In June, President Abbas dissolved the National Security Council, and after the Annapolis Conference in November, work began on reorganizing the PASF, with the General Intelligence and Presidential Guard subordinated to the President and the National Security Forces, Civil Police, Civil Defense, Preventive Security and Military Intelligence to the Prime Minister via the Mol.¹⁴

In 2008, the EU added a Rule of Law Section to its police development mission and in March, the USSC helped open a Presidential Guard training center in Jericho. In subsequent years, several other countries also contributed to the development, training and equipping of the PASF. This included an amnesty program negotiated with Israel in 2009-10, in which many "wanted" members of the Al-Aqsa Martyrs Brigades were pardoned and absorbed into the PASF, as well as an early retirement program to reduce the PASF payroll.¹⁵ Reform efforts, largely attributed to the USSC's role, continued after Prime Minister Fayyad was pushed out, although the Mol's power further diminished while much of the supervisory role returned to the hands of President Abbas, which is still the case. While the technical professionalization of the PASF has remained a priority, the USSC has since 2012 become more involved in improving the Palestinian criminal justice system.

¹⁰ In terms of security, Phase I of the Roadmap (April-May 2003) foresaw resumption of security cooperation and consolidation of the PASF into three services under an empowered Interior Minister, while Phases II (June-December 2003) and III (2004-2005) focused on comprehensive security performance and effective cooperation.

¹¹ Announced on 11 September 2003, the Council was headed by the PA President and consisted of 14 members: the Prime Minister, the Ministers of Foreign Affairs, the Interior, Finance, and Negotiations, a member each of the PNC, the PLO Executive Committee, and the PLC, the two Commanders of the West Bank and Gaza National Security Forces, the General Intelligence Service Chief, and three security advisors. In 2004, interim President Rawhi Fattouh transferred the Council's chairmanship to the Prime Minister, but in September 2005, President Abbas issued Decree No. 26 transferring it back to the President and in June 2007, he dissolved it.

¹² Full texts are available at: <https://security-legislation.ps/>.

¹³ After the PASF had refused to report to a Hamas-led Interior Ministry, Hamas had established its own security body in Gaza - the Executive Force. See Roland Friedrich and Arnold Luethold, "Introduction," in *Entry Points to Palestinian Security Sector Reform*, Geneva: DCAF, 2007.

¹⁴ US Security Coordination Road Warrior Team, West Bank: Palestinian Security Forces, 2008. Largest units were the National Security Forces with 7,600 and the Civil Police with 6,457 personnel.

¹⁵ See, for example, International Crisis Group, "Squaring the Circle: Palestinian Security Reform under Occupation," *Middle East Report*, No. 98, 7 September 2010.

Oslo Accords / Process

April 12: Israel and PLO agree on that the Palestinian police would be 9,000-force strong.

May 4: Israel and PLO sign the Cairo Agreement, *inter alia*, providing for a Palestinian 9,000-strong police force for five years (i.e., until the final status negotiations).

May 10: The first 157 Palestinian policemen enter Gaza from Egypt.

May 13: The PLA's Al-Aqsa Brigade takes up duties as police force in Jericho.

June: The Palestinian security apparatus is divided into national, preventive, public and presidential security branches.

Sept.: PA police fight Israeli forces in deadly riots that ensue as Israel opens a tunnel running near Al-Aqsa Mosque; followed by enhanced covert funding and assistance for PA security.

Oct. 15-23: Wye River summit ends with agreement: new security plan with timetable and under CIA supervision as well as further Israeli redeployment. Marked the start of Palestinian security cooperation with Israel.

The Law on Civil Defense No. 3 of 1998: regulates the competences of the Civil Defense.

1993

1995

1997

1999

1994

1996

1998

Sept. 13: PLO, Israel sign Declaration of Principles providing, *inter alia*, for a Palestinian police force to maintain internal security.
Dec.: First police donor conference held in Oslo, with EU, US, World Bank, 14 donor countries, PLO and Israel.

April 10: State Security Courts begin opera
Sept. 28: Oslo II Agreement Palestinian self-rule extends to the West Bank, adds preventing and comba violence and incitement against Israel (Art. XII and XIV) as task and increases the number of PA forces to 30,000.
Nov. 19: PA forces enter Tulkarem.
Dec. 3: PA police arrive in the Bethlehem area.
Dec. 11: PA forces arrive in the Ramallah area.
Dec. 17: PA police enter Qalqilya.
Dec. 21: PA police enter Bethlehem.

The PA security sector is increased to 32,000 police.

Report by the Independent Task Force on Strengthening Palestinian Public Institutions points to shortcomings in the PA's performance in the security domain.

Reforms and Institution-Building (Fayyad)

USCC reorganizes the PA security forces into 7 units, two under the President, and 5 under Interior Ministry.

US Congress approves \$75 million for PA security assistance.

EU adds a Rule of Law Section to its police development mission.

PA has 63,474 security forces.

Hamas and Fateh talks stuck on issue of the amalgamation of separate security forces.

Hamas's forces are estimated at 15,000.

2007

2009

2011

2013

2008

2010

2012

March: Mohammed Dahlan is appointed head of the reinstated National Security Council.
May: Dayton Plan.
June: Civil War in Gaza; Pres. Abbas dissolves the National Security Council, forms a new one headed by Salam Fayyad.
- US establishes the PASF training program and works on Security Sector Reform.
Nov. 2007: Annapolis Conference; subsequently William Fraser appointed as Road Map Monitor and James Jones as special envoy to Regional Security.
- The Law by Decree No. 11 of 2007 defines Preventive Security as part of the Internal Security Forces.

March: Presidential Guard training center opened in Jericho.
June: PA has 62,096 security forces; Hamas government 15,500.

PA has 63,515 security forces.

PA police establish a specialized cybercrimes unit.

Second Intifada and Aftermath

May 15: During demonstrations marking Nakba Day, the Israeli army and Palestinian forces traded live fire.

Sept.: 2nd Intifada breaks out, involving PA security forces.

June 13: The PA's 100-Day Plan for Reforms, restructures, *inter alia*, the Interior Ministry and security apparatus.

Draft of the US "Road Map" for Middle East Peace published.

Nov. 11: President Arafat dies.

Jan.: EUPOL COPPS is established to assist the PA police.

Jan. 25: Hamas win Palestinian elections.

April: Rashid Abu Shbak appointed to head three security services under the PA Interior Ministry.

May: Hamas creates Executive Force in Gaza.

June: The number of security forces is 61,051, that of "security trainees" 17,021.

Oct.: US Gen. Dayton proposed reducing the number of overlapping security services.



The number of PA security forces is estimated at 40,000.

April 30: Mitchell Plan - Sharm El-Sheikh Fact-Finding Committee.

June 13: Tenet Plan for ceasefire and security.

The number of PA forces is estimated at over 52,000.

Sept. 11: National Security Council formed.

March: Creation of the US Security Coordinator (USSC).

The Law of Service in the Palestinian Security Forces No. 8 regulates the management and operations of the security agencies.

The Law on General Intelligence No. 17 is issued.

Professionalization of PASF

April: Ministry of the Interior publishes Palestinian Security Sector Strategic Plan 2014-2016.

Sept.: PA has 65,277 security forces.

PA has 65,463 salaried security forces, Hamas 17,813.

Feb.: PASF arrest striking Palestinian teachers.

Training of troops transition from Jordanian police to internal PASF trainers.

PA has 65,829 security forces; Hamas forces estimated at 20,466.

PCBS' Rule of Law and Access to Justice Survey published.

May 19: In response to Israel's annexation plan, the PA halts security coordination with Israel and the US.

Nov.: PA announces resumption of security cooperation with Israel in the West Bank.



PA has 65,527 security forces.

March: The PLO Central Council votes to suspend security coordination with Israel.

April: PA police stations are set up in three neighborhoods near Jerusalem: Ar-Ram, Abu Dis, and Biddu.

Following a string of "lone wolf" attacks on Israelis, mainly by Palestinian youths, PASF also monitors schools and social media.

July: The PA suspends security coordination with Israel in the wake of Israel's placing electric gates at the entrances of Al-Aqsa Mosque compound.

Sept. 27: Interpol votes with 75:24 and 34 abstaining to admit "the State of Palestine" as a new member country.

Dec. 26: President Abbas signed Decree-Law No. 23, classifying the police service as a civil force, whose members are accountable before regular judiciary.

Feb.: US cut funding for PA security forces as a new US anti-terrorism law took effect.

Nov.: The Civil Forum to Promote Good Governance in the Security Sector launches the first Integrity Index of the Security Sector in Palestine.

3. Actors in the Security Sector

There are mainly two groups of actors in decision-making, defining and developing Palestinian national security: the PA security establishment as well as international players.

3.1 Palestinian Authority Security Sector

Structure

The structure of the PA security sector, with its various forces, their mandates, strengths, and to whom they report, has changed several times since its inception. These elements are often different in practice than in legislation and they continue to evolve. The existing legislation is incomplete, leads to overlapping responsibilities and unclear decision-making mechanisms within the various agencies, and reflects the status quo rather than a comprehensive vision of security.¹⁶

According to the most recent Security Sector Strategic Plan, the PASF consist of the MoI and the following services: National Security Force, Civil Police, Civil Defense, Customs Police, Preventive Security, Military Intelligence, General Intelligence, and Presidential Guard.¹⁷

Currently, there are four main divisions¹⁸:

- (1) the **National Security Forces** under the MoI, headed by the Commander-in-Chief, who is appointed by the President for three years (extendable for one year) and who himself appoints the heads of related bodies and directorates, and the military commanders;
- (2) the **Internal Security**, which is under the MoI and headed by the Director General of Internal Security, whose position, however, has never been filled, who is appointed by the President on the recommendation of the Council of Ministers for 3 (+1) years and who in turn appoints the heads of Civil Police, Civil Defense, and related bodies and units, while the head of Preventive Security is appointed by the President;¹⁹
- (3) the **General Intelligence**, which is subordinate to the President, who appoints its head and deputy for 3 (+1) year terms;²⁰ and
- (4) the **Customs Police**, subordinate to the MoI and appointed by the President on the recommendation of the Council of Ministers.

Besides these forces, there is the **Presidential Guard**, which is not (yet) governed by a law, and a **National Security Advisor**.

Currently, there are four main divisions²¹:

- (1) **General Intelligence**: Independent security body subordinate to and under the direct command of the President, who appoints its head and deputy for 3 (+1) year terms.²² It is in charge of external and counterintelligence gathering and security operations (Art. 13, Law of Service in the Palestinian Security Forces No. 8 of 2005 and Art. 8, General Intelligence Law of 2005); cooperates with CIA and other foreign intelligence services; commands a paramilitary force; also targets political opponents. Members are plain-clothed and carry out both covert and public operations. Currently headed by **Maj. Gen. Majid Faraj**.
- (2) **National Security Forces**: they operate under the MoI, headed by the Commander-in-Chief, who is appointed by the President for three years (extendable for one year) and who himself appoints the heads of related bodies and directorates, and the military commanders. These army-style forces were established as a substitute to the Palestine Liberation



¹⁶ DCAF provides a comprehensive and searchable database of laws, decrees and other security related legislation at://security-legislation.ps/.

¹⁷ PA-MOI, Security Sector Strategic Plan 2021-2023, November 2020 (English translation of the September 2020 Arabic version).

¹⁸ Based on the Law of Service in the Palestinian Security Forces No. 8 of 2005, as well as the 2016 Law by Decree No. 2 on Customs Police which added the Customs Police as a fourth force within the Internal Security apparatus.

¹⁹ Decree Law No. (11) of 2007 Concerning the Preventive Security.

²⁰ General Intelligence Law No. 17 of 2005.

²¹ Based on the Law of Service in the Palestinian Security Forces No. 8 of 2005, as well as the 2016 Law by Decree No. 2 on Customs Police which added the Customs Police as a fourth force within the Internal Security apparatus.

²² General Intelligence Law No. 17 of 2005. For details see also <https://www.pgis.ps/>.

Army to conduct public security and military operations in circumstances that exceed the capabilities of the Civil Police. In practice, they assist other security agencies as an operational reserve in keeping public order and security. They report to the President and have area commands in each governorate. Their training was funded by the USSC. Current commander-in-Chief is **Maj. Gen. Nidal Abu Dukhan**. Part of the NFS are also Military Liaison and Intelligence:



- The **Military Liaison** is the official body responsible for security coordination with Israel through its District Coordination Offices (DCO), but mainly with regard to day-to-day civil matters. Training is funded by the USSC.
- The **Military Intelligence** was established 1994 to protect national security and collect intelligence on counterintelligence threats, terrorism, and threats to the Palestinian security services, but has been accused of operating as an internal security organization to repress opposition. It is also in charge of law enforcement for matters involving PASF personnel, including accusations of abuse and corruption (Mol Decision No. 707, dated 17 August 2007). It reports to the Minister of Interior and has been supported by the CIA.²³ Currently headed by **Zakaria Musleh**.



(3) **Internal Security**: operates under the Mol²⁴ and is headed by the Director General of Internal Security, whose position, however, has never been filled, who is appointed by the President on the recommendation of the Council of Ministers for 3 (+1) years and who in turn appoints the heads of Civil Police, Civil Defense, and related bodies and units, while the head of Preventive Security is appointed by the President.²⁵

- The **Preventive Security** is responsible for internal intelligence/secret service investigations related to internal security cases, including economic, espionage, and political security. It works to prevent attacks and investigates security or government-related criminal conduct. Operates under the Mol but also reports to the President. It supports some border security as well as other authorities in performing their tasks. Cooperates with the CIA and Israeli security agencies. In 2017, their strength was estimated at 4,000.²⁶ Currently headed by **Maj. Gen. Ziad Hab Ar-Rih**.



- **Civil Police** was established in 1994 as a regular police force primarily responsible for civil and community policing, i.e., combating crime and upholding public order (e.g., anti-drugs, criminal investigation, correction & rehabilitation centers, traffic police, Tourist & Antiquities Police, Special Police Forces, riot control, property protection etc.). It has 38 departments and units, maintains prisons and detention facilities and has district offices in all cities.²⁷ It is the security service most popular among the public.²⁸ In 2017, their strength was estimated at 9,000.²⁹ Headed by **Maj. Gen. Yousef Al-Hilou** since October 2021. EUPOL COPPS are the lead international agency, among others, supporting the police.



- The **Civil Defense** protects civilians and their property in accordance with Civil Defense Law No. 3 of 1998 from acts of warfare, natural disasters, fires, maritime and any other dangers. It protects buildings, facilities, and institutions, ensures the safety of all kinds of transportation as well as regular workflow in public facilities, and raises community awareness regarding prevention measures, public safety and emergency response. In 2017, their strength was estimated at 1,000.³⁰ Currently headed by **Maj. Gen. Yousef Nassar**. EUPOL COPPS are the lead international agency, among others, supporting the civil defense.



(4) The **Customs Police**, subordinate to the Mol and appointed by the President on the recommendation of the Council of Ministers. It was only established in 2016 and operates in Area A, responsible for the protection of the Palestinian economy through interdicting and seizing goods that are spoiled, expired, forged, counterfeit, or illegally from settlements. It further combats smuggling and tax evasion in order to boost investment and economic growth. It is also responsible for customs oversight on active Palestinian borders. It currently maintains 1,052 officers³¹ and is headed by **Maj. Gen. Iyad Barakat**.



²³ See <https://www.pmi.pna.ps/> for more details.

²⁴ The Law of Service in the Palestinian Security Forces No. 8 of 2005 included a Ministry of National Security under which the National Security Forces were to operate, but as per Decision 323 of 2007 they were also placed under the Mol. At present, no separate Ministry of National Security exists.

²⁵ Decree Law No. (II) of 2007 Concerning the Preventive Security.

²⁶ The International Institute for Strategic Studies, *Military Balance 2017*, Routledge, 2017..

²⁷ See palpolice.ps for details.

²⁸ *Ibid.*

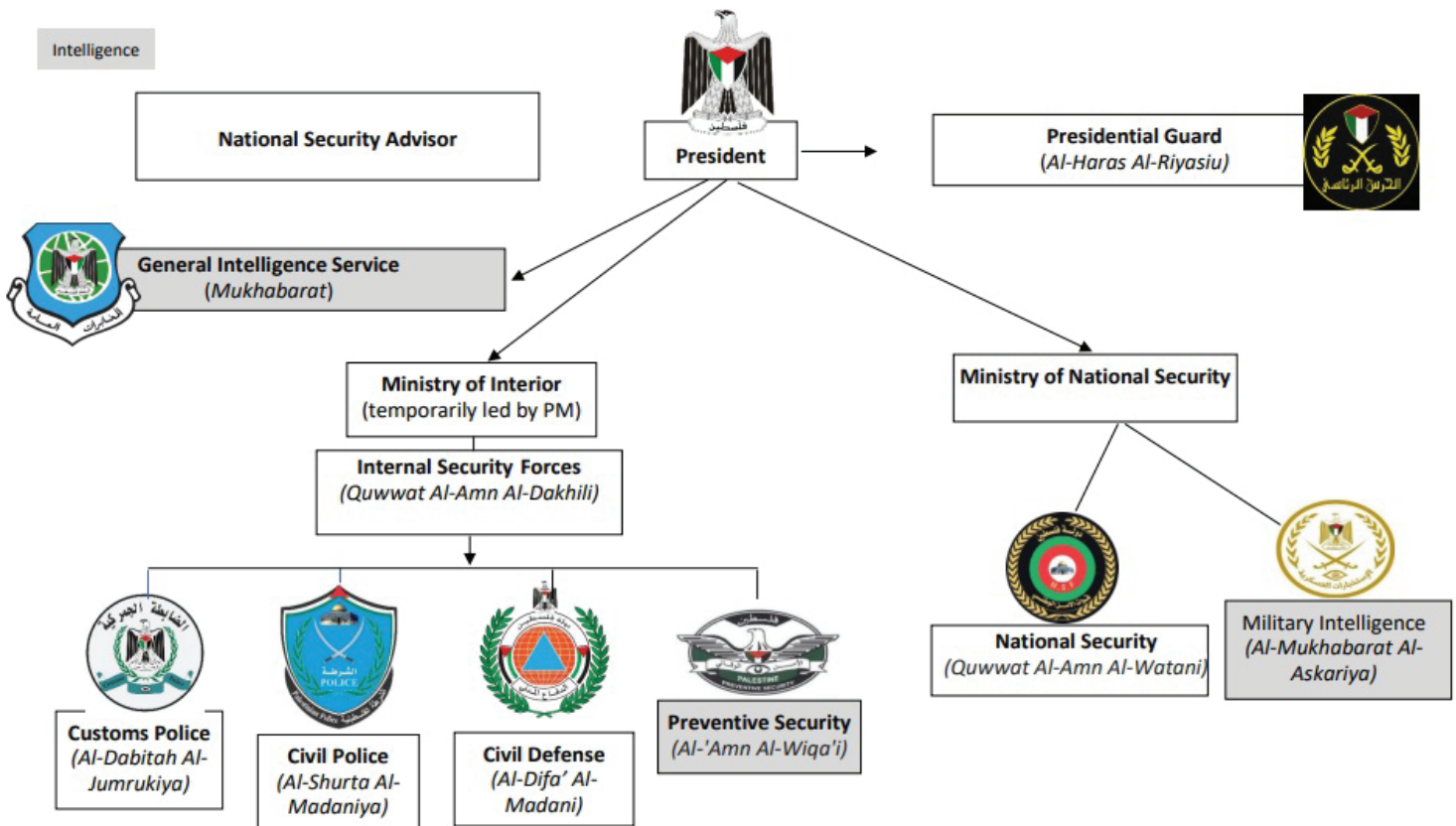
²⁹ The International Institute for Strategic Studies, *Military Balance 2017*, Routledge, 2017.

³⁰ *Ibid.*

³¹ For details see <https://ar-ar.facebook.com/customspoliceps/>

Besides these forces, there is a **National Security Advisor** (currently **Lt. Gen. Haj Ismail Jabr**) and the **Presidential Guard**, which was established with the return of President Arafat to Palestine in 1994, originally known as Force 17, but formally created by presidential decree only in December 2007. It is not (yet) governed by a law. Based in the Muqata'a, this elite force protects the President, Prime Minister, high-ranking officials and foreign delegations as well as facilities. It also supports other security forces for riot control and law enforcement when needed. It is unclear whether the force submits reports on its operations. In 2017, their strength was estimated at 3,000³² and is currently headed by **Maj. Gen. Munir Al-Zuabi**.

BASIC Formal Command Structure of the Palestinian Security Forces (as of July 2021)



There are two other units, which, however, practically do not exist (anymore): the Naval or Coastal Police, also known as the Gaza Marine, which was established in the 1994 Gaza-Jericho Agreement to protect the territorial waters of Gaza and serve as coast guard to prevent the smuggling of arms and drugs, and the Air or Aviation Police to supervise the helicopters of the President and all approved air trips and secure all aircraft arriving in the State of Palestine.

In addition to the above, there is a number of Directorates and Commissions³³ whose exact subordination and co-operation with the aforementioned units is unclear. These include:

- **Organization and Administration Commission:** in charge of human resources management and has recently finalized the organizational structures for all PASF services/commissions based on their respective tasks and duties.
- **Security Forces Justice Commission:** responsible for the detention, investigation and prosecution of PASF members
- **Political and National Guidance Commission:** charged with the political and educational development of society through the preservation of the values and interests of the Palestinian people. Its exact activities are unclear.

³² The International Institute for Strategic Studies, *Military Balance 2017*, Routledge, 2017.

³³ PA-MOI, *Security Sector Strategic Plan 2021-2023*, November 2020 (translation of the September 2020 Arabic version).

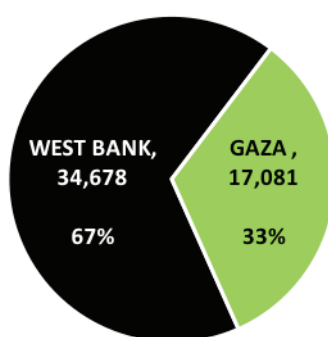
- **General Military Training Commission:** the authority for all pan-PASF training and doctrine. Other internal training is done through the services.
- **Logistics Commission:** responsible for PASF logistics.
- **District Coordination Office:** the 8 DCOs (with approximately 450 across the West Bank) are dedicated to facilitating security coordination with Israel on behalf of the entire PASF. Its offices communicate with Israel’s District Coordination and Liaison Offices. *Inter alia*, it coordinates PASF movements outside of Area A, the movements of Palestinian civilians into Israel for work or study purposes, and imports and exports through Israeli controlled areas.
- **Military Medical Service:** responsible for the health and safety inspections of security establishments along with the medical services of over 400,000 PASF members and their relatives.
- **General Armament Directorate:** charged with needs planning, storing, maintenance and control (tracking) of weapons and ammunition for the PASF.
- **Military Financial Administration:** liaison between the PASF and the Ministry of Finance, charged with the execution of financial decisions and laws, among other duties.

In Gaza, the *de facto* Hamas government runs its own security apparatus divided into internal security (civil police, guards and protection security), internal intelligence, and civil defense as well as national security (military justice, military police, medical services, and the prison authority). In addition, Hamas maintains its military wing, the Izz Eddin Al-Qassam Brigades. Its total forces are estimated around 15,000-20,000.³⁴

Personnel

Today, the PASF number with over 51,759 personnel³⁵ is way more than foreseen in the Oslo Accords, forming one of the highest ratios of security personnel to civilians in the world. Approximately one third of the PASF are posted in the Gaza Strip, where they receive a salary but are not on active duty since the Hamas takeover in 2007. The main reason they are kept on the payroll is to avoid defecting to Hamas. According to recent figures, some 6% of the PASF personnel in the West Bank are women.³⁶ Overall, the PASF account for half of the PA public sector employees.³⁷

Distribution of PASF in the West Bank and Gaza, 2021



Source: Organization and Administration Commission, February 2021.

³⁴ The International Institute for Strategic Studies, *Military Balance 2017*, Routledge, 2017.

³⁵ According to figures by the Organization and Administration Commission, as of February 2021; in addition, there are approximately another 1,000 “foreign officers” (i.e., personnel in Lebanon or elsewhere abroad) and “prisoner detainee personnel.”

³⁶ In 2019, these in 2019, they numbered 1,920. ICHR, *Rights of Palestinian Female Security Personnel: Equality and Non-Discrimination*, 2019.

³⁷ Tartir, Alaa, “The Palestinian Authority Security Forces: Whose Security?” *Al-Shabaka*, 16 May 2017.

If Hamas forces³⁸ are included, the overall picture of the distribution of security forces looks as follows:

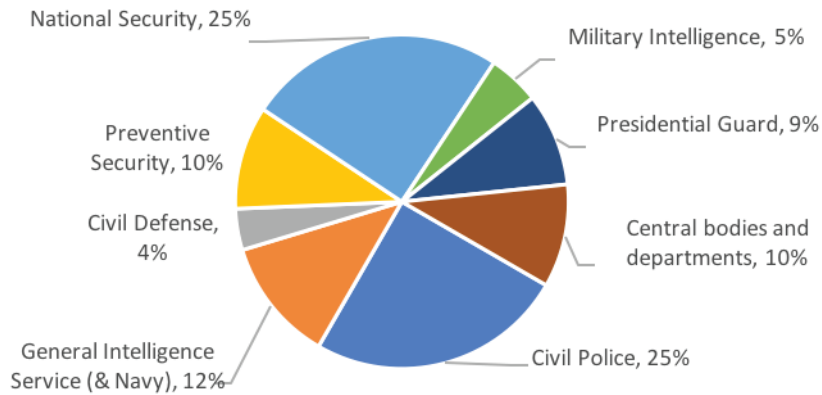
Distribution of PA and Hamas Security Forces in the West Bank and Gaza, 2021



Sources: PASF: Organization and Administration Commission, February 2021; Hamas: "Israeli commander says Hamas has amassed vast arsenal," AP, Feb. 11, 2021.

While aggregate numbers for the different security branches do exist internally, they are not released by the PASF; however, a 2017 study based on Mol statistics suggests that the forces are distributed across the various agencies approximately as follows³⁹:

PASF Distribution by Agency, 2017



Source: Harb, Jihad, *Who Needs Security?* PCPRS, 2017 (Arabic).

The 25% share of the Civil Police corresponded to roughly 300 policemen per 100,000 inhabitants, which was clearly above the UN recommendation of 222 policemen per 100,000.⁴⁰

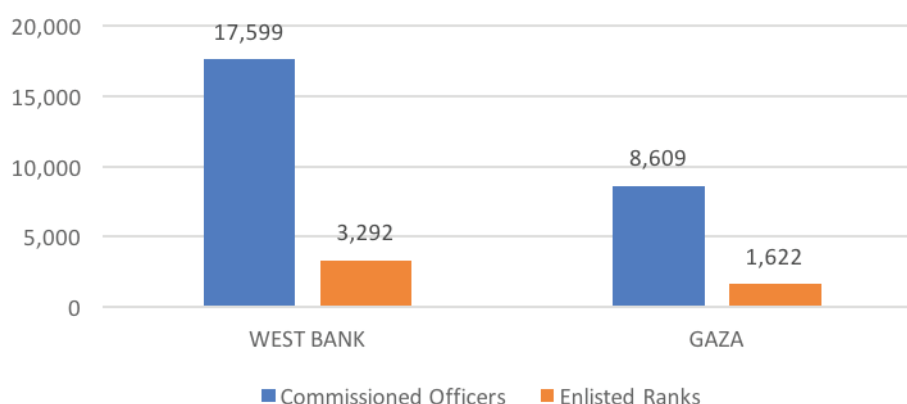
³⁸ For details on Hamas' forces see Sayigh, Yezid, "We Serve the People" - *Hamas Policing in Gaza*, Brandeis University, Crown Center for Middle East Studies, Crown Paper 5, April 2011, <https://www.brandeis.edu/crown/publications/papers/pdfs/cp5.pdf>.

³⁹ Harb, Jihad, *Who Needs Security? The Current Security Sector Structure and Capacity to Provide Security for Areas B and C: Redistribute Resources*, Ramallah: PCPRS, 2017 (Arabic), <http://www.pcprsr.org/sites/default/files/%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9%20%D8%AA%D9%88%D8%B2%D9%8A%D8%B9%20%D8%A7%D9%84%D9%85%D9%88%D8%A7%D8%B1%D8%AFjehadJehad.pdf>.

⁴⁰ *Ibid.* Although it is worth mentioning that the available numbers do not say anything about the difference between number of personnel and the number of personnel on active duty.

In addition, there is a significant structural defect in the ranks of the security services in the West Bank, which the USSC refers to as “inverted pyramid”: 50.6% of the security forces are officers, 39.9% are non-commissioned officers, and only 9.5% are “ordinary” soldiers (enlisted ranks).⁴¹

Distribution of PASF Ranks, 2021

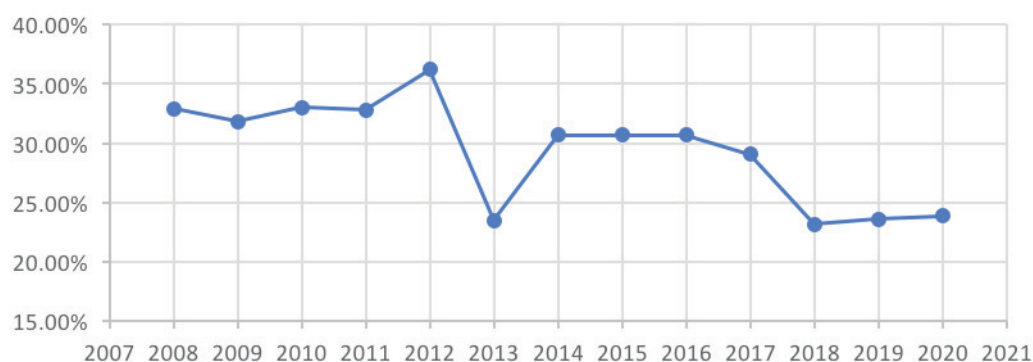


Source: PASF: Organization and Administration Commission, February 2021.

Budget / the Security Sector’s Share of Public Expenditures

While the PA’s budgeted security expenses have decreased since 2012, both in absolute terms and as share of the total budget - mainly due to voluntary and forced early retirements - the PA security sector is still inflated. In 2020, total expenditure for “security and public order” increased slightly to over NIS 3,597 million, comprising 23% of total PA spending, which is very high.⁴² Of the total, 5.6% was budgeted for judiciary and courts, while 94.4% was for “Ministry of Interior and National Security,” of which, in turn, three quarters (75.6%) were spent on salaries and wages.⁴³

Percentage of Security and Public Order of all Expenditures



Source: PMoF, monthly reports.

Since the disaggregation of funding received between the various forces remains unclear, it is not possible to adequately assess the relationship between financial resources and performance of the various agencies. However, the security sector’s budget is certainly challenged by the excessive staffing levels in some agencies and the large number of officers who are higher on the pay scale than regular soldiers. This structural imbalance, along with the fact that some agencies have too many personnel while others (especially Civil Police, Customs Police, Civil

⁴¹ Organization and Administration Commission, February 2021.

⁴² In comparison, the OECD average for central government spending on public order and safety in 2018 was 4.9%, the EU average was 5.1%, the US 1.4% and of Israel 4.7% in 2019. See <https://data.oecd.org/gga/central-government-spending.htm>.

⁴³ <http://www.pmo.ps/pmo/documents/accounts/monthly/2020/December.%202020.pdf.pdf>.

Defense) are understaffed, is criticized by civil society groups as well as international donors, who call for reorganizing and “right-sizing” the PASF.⁴⁴

Another point that must not go unmentioned in this context is the fact that in the event of a serious Fatah-Hamas reconciliation, the already high security costs (due to paying salaries to a blown-up security apparatus, the salaries of the idle PA forces in Gaza, and compensation to thousands of laid off security employees), would further increase significantly, as the integration of the Hamas forces would be indispensable.⁴⁵

3.2 International Actors

There are several international actors involved in and supporting the Palestinian security sector which regularly consult and coordinate through the Palestinian-led Security Sector Working Group (SSWG).

The SSWG is a forum for strategic discussion and coordination of reform measures to improve the quality, governance, and accountability of the PA security sector. It is co-chaired by the MoI and the UK, receives technical advice from international actors, and includes some representatives from the Palestinian civil society and private sector.

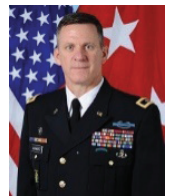
External interventions include advice, training, infrastructure and equipment support as well as third-party monitoring. The US is the largest security sector donor, providing about \$60 million per year through the office of the US Security Coordinator (USSC) to fund the National Security Forces; other states contribute staff, technical and financial assistance to the USSC.⁴⁶ The second largest contributor is the European Union (EU) which works mainly with the Palestinian Civil Police through its EU Coordinating Office for Palestinian Police Support (EUPOL COPPS) and also manages the EU Border Assistance Mission (EUBAM) in Rafah.⁴⁷ Germany funds a community policing program, while UN organizations do important cross-cutting work on human rights and gender inclusion.

Before taking a closer look at the various international actors, it should be noted that they, too, face numerous obstacles in their work - from the locally unpopular demand for the disbandment of armed groups requested by the 2003 Roadmap, to differences between the involved countries’ positions and to the fact that all logistics, procurements and measures require prior approval by Israel/COGAT – an often lengthy and frustrating process.

3.2.1 Training, Support and Advisory Missions

United States Security Coordinator (USSC)

The office of the USSC was established in 2005, prior to which the US engagement included more clandestine training and equipment donations mainly through the CIA. Based in what is now the Embassy of the United States in Jerusalem, the USSC is made up of various military branches and civilian agencies, with most being members of the US Defense Department, working under the US State Department. Since October 2019, the multinational team, which includes staff from the United Kingdom, Canada, the Netherlands, Italy, Turkey, Poland, Bulgaria, provide additional technical expertise, is led by Lt. Gen. Mark C. Schwartz, a three-star US Army general, who previously served in Afghanistan.



⁴⁴ The Coalition for Accountability and Integrity (AMAN), *The Palestinian Security Sector Budget 2019: Basis of the Internal Missions (Miscellaneous Spending) in Operating Expenses*, Ramallah, 2020, https://www.aman-palestine.org/cached_uploads/download/2021/01/20/security-budget-english-translation-1611148250.pdf.

⁴⁵ The security apparatus of Hamas in Gaza largely mirrors that of the PA: Internal security includes civil police, guards and protection security, an internal intelligence-gathering and investigative entity (similar to the Preventive Security), and civil defense. National security includes the national security forces, military justice, military police, medical services, and the prison authority. Hamas also maintains a military wing, the Izz Eddin Al-Qassam Brigades. US Department of State, *2020 Country Reports on Human Rights Practices: Israel, West Bank and Gaza*, 2020, available at: <https://www.state.gov/wp-content/uploads/2021/03/WEST-BANK-AND-GAZA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁴⁶ Canada, France, Italy, The Netherlands, Turkey, and the UK. See UK - Foreign, Commonwealth and Development Office (FCDO), *Palestinian Security Sector Capability Accountability, Sustainability and Inclusion Programme in the Occupied Palestinian Territories – Business Case & Summary 300611*, May 2019, available at: <https://devtracker.fcdo.gov.uk/projects/GB-GOV-I-300611/documents>.

⁴⁷ From 1994 to 2019 there was also the Temporary International Presence in Hebron, a multi-national civilian observer mission to “monitor the situation in Hebron” and record breaches of international humanitarian law, the Israeli-Palestinian agreements, and human rights, and promote a feeling of security to the Palestinians of Hebron.

The USSC's mandate is to encourage Israel and the PA to enhance security cooperation and to build the PA's security capabilities in the West Bank in law enforcement, emergency disaster response, and intelligence security practices.⁴⁸ The goal is a modern sustainable security sector with accountable institutions capable of coordinating effectively with the international community and the Israeli government, as well as providing a safe and stable environment.

The first USS Coordinator was Lt. Gen. Keith W. Dayton (2005-2010) whose mission was to reorganize the PASF in line with the US-initiated Middle East Roadmap for Peace and to launch the USSC's training program and security sector reform (SSR) efforts. Even today, the PASF is sometimes referred to as "Dayton's Forces." Much US funding historically went to training for security and counterterrorism operations such as firearms control, illegal weapons cleanup (labs), crowd control, patrols, detentions and checkpoints, and leadership courses. In addition, the USSC has funded the construction of barracks and training centers (first of which was the Presidential Guard College in Jericho in 2009), as well as non-lethal equipment – i.e., vehicles, office and medical equipment, riot gear, body armor, uniforms – but no weapons and munition. Until early 2019, PASF were trained by officers from the Jordan International Police Training Center near Amman, assisted by contracted US companies such as DynCorp. Since then, most training is conducted by internal PASF trainers at the PASF's General Military Training Commission in Jericho.⁴⁹ As US Security Assistance returns to the Palestinian Territories in 2021, the US government is evaluating which aspects – and projects - of the PASF it should fund.

As of 2021, the USSC has facilitated the training of thousands of PASF members in Jordan and (since 2012) in Jericho, and has invested tens of millions in infrastructure (training facilities, barracks, and operational centers, etc.).⁵⁰ Over the years, it has evolved from a 'train and equip' to an 'advise and assist' mission, with a focus of building credible institutions of governance that can respond to the needs of the population, which is done in part through legislation review.

US-trained security forces have conducted numerous effective operations that cleared areas of gangs and illegal weapons and restored law and order. While this was welcomed by the public, the PASF's involvement in restricting civil liberties (e.g., suppressing demonstrations) and cracking down on opposition (mainly Hamas), as well as their general security cooperation with Israel (and the US) has also drawn much criticism and undermined their legitimacy (more on this below).

However, despite their undeniable successes, the USSC itself is also viewed rather critically by the public which tends to believe that all the efforts made are aimed at enabling Israel to live in peace and security and strengthening Fatah, ensuring that the PA maintains control of the West Bank against Hamas.⁵¹ The USSC has also been criticized for failing to properly respond to misconduct and human rights violations on the part of the PASF and for selecting recruits based on political affiliations, making it difficult to accept non-Fatah candidates and thus creating a force that does not represent society as a whole.⁵² Criticism has also come from Israel, albeit to a much lesser extent, which fears that the USSC-trained forces may one day pose a threat to its state.⁵³

CIA

The CIA has been involved with the PASF since 1994 (and with the Palestinians since the 1970s⁵⁴) as have intelligence agencies of several other Western states albeit on a much smaller scale.⁵⁵ When the USSC and EUPOL COPPS were formed in 2005/6, they deliberately left out from their scope of intervention the intelligence agencies that nonetheless received "off-the-books support"⁵⁶ and that were more or less covertly handled by the CIA. Over the years, the CIA, which does not share



⁴⁸ <https://www.state.gov/about-us-united-states-security-coordinator-for-israel-and-the-palestinian-authority/>.

⁴⁹ For details see their website at <https://www.gmtc.sec.ps/>.

⁵⁰ In Jordan alone, over 22,000 PASF members participated in training funded by USSC or its partner organizations between 2007-2019. Information obtained from staff members of the Canadian Armed Forces - Operation PROTEUS.

⁵¹ E.g., Engler, Yves, "Canada's tax dollars aid Israel's divide and rule tactics," *The Electronic Intifada*, 14 December 2012. Also a 2018 report stated that the US aid "aimed at countering militants from organizations such as Hamas and Palestinian Islamic Jihad, and at improving rule of law in areas that the PA controls" as well as "to encourage greater PA security coordination with Israel." See Zanotti, Jim, U.S. Foreign Aid to the Palestinians, Congressional Research Service, Updated 12 December 2018.

⁵² International Crisis Group, "Squaring the Circle: Palestinian Security Reform under Occupation," *op. cit.*

⁵³ See, for example, Bedein, David and Arlene Kushner, "Is the US training Israel's enemies?", *The Jerusalem Post*, 25 August 2010.

⁵⁴ See, for example, Lia, Brynjar, *Building Arafat's Police*, London: Ithaca Press, 2007, 9. 288.

⁵⁵ Sayigh, Yezid, *Policing the People, Building the State – Authoritarian Transformation in the West Bank and Gaza*, Carnegie Papers, Carnegie Endowment for International Peace, 2011, https://carnegieendowment.org/files/gaza_west_bank_security.pdf.

⁵⁶ *Ibid.*

or coordinate all of its intelligence relations and activity with the USSC,⁵⁷ has been accused of turning a blind eye to the use of torture, which has been widely documented by human rights groups. Some observers contend that the CIA not only cooperates but actually supervises the work of the Preventive Security and General Intelligence.⁵⁸ The CIA's ongoing role was evident in 2020, when the PA ended (temporarily) security coordination with Israel and the US and officially announced the suspension of contacts with the CIA⁵⁹ and more recently, when it was reported that under the Biden administration, the Palestinian file will be managed by the State Department, and not the CIA as during President Trump's time.⁶⁰

Operation PROTEUS (Canadian Armed Forces (CAF))

Canada, through Task Force Jerusalem, contributes the most troops to the USSC of any participating nation. As part of "Operation PROTEUS," members of the Canadian Armed Forces help the PASF build capacity through improving logistics, infrastructure, and information technology, as well as supporting the development of professional training programs.



British Support Team (UK)

The UK's Ministry of Defence's British Support Team (BST) consists of military personnel seconded to the USSC mission to support it mainly by improving oversight and accountability by the MoI. The BST-led intervention includes administrative, financial, and human resources reforms, and an effective security sector complaint handling system. The UK also supports a platform of civil society organizations to hold the security sector accountable, including with respect to human rights and budget scrutiny.⁶¹ The UK co-chairs the SSWG.



EUPOL COPPS (EU Coordinating Office for Palestinian Police Support)

The EU Police Mission in the Palestinian Territories (EUPOL COPPS) was established on 14 November 2005 as part of the EU External Action under the European Security and Defense Policy⁶² with a long-term reform focus. Initially aimed at police development and advisory, a rule of law section was added in 2008 to work on a "healthy criminal justice system made up of strong institutions which guarantee the independence of the judiciary."⁶³ The Ramallah-based mission began operations in January 2006 and has been renewed annually. Since November 2020, it is headed by Bulgarian diplomat Nataliya Apostolova, and all 27 EU member states, as well as Canada, Norway and Turkey contribute to it. As of 2021, the mission has 71 international and 35 national staff and a budget of € 12,65 million.⁶⁴



Operationally, EUPOL COPPS focuses on capacity building in two areas: police reform (Civil Police, MoI) and rule of law (Justice Ministry, High Judicial Council, Attorney General's Office, Palestinian Bar Association). Even critics admit that EUPOL COPPS efforts have resulted in skilled and professional police apparatus.⁶⁵ However, it is also not free of criticism; some question the ability of external action to address internal governance problems, some contend that a mission that denies the political reality of continued occupation and lack of democracy ultimately contributes to "the professionalization of authoritarian policing" under that occupation and call for "stronger engagement with the ulti-

⁵⁷ *Ibid.*

⁵⁸ Cobain, Ian, "CIA working with Palestinian security agents," *The Guardian*, 17 December 2009.

⁵⁹ E.g., "Palestinians shun CIA after declaring end to security coordination with U.S. and Israel," *Reuters*, 21 May 2020.

⁶⁰ "Exclusive: American Message to Ramallah: State Dept. To Conduct Contacts With PA, Not CIA, and Will Demand Democratic Moves," *Tazpit Press Service (tps)*, 19 April 2021, available at: <https://tps.co.il/articles/exclusive-american-message-to-ramallah-state-dept-to-conduct-contacts-with-pa-not-cia-and-will-demand-democratic-moves/>.

⁶¹ See UK - Foreign, Commonwealth and Development Office (FCDO), *Palestinian Security Sector Capability Accountability, Sustainability and Inclusion Programme in the Occupied Palestinian Territories*, *op. cit.*

⁶² Council Joint Action 2005/797/CFSP, see the full document at: https://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/palestinian_territories_oj_palestinian_territories_oj_en.pdf.

⁶³ <https://eupolcopps.eu/page/law-section/en>.

⁶⁴ <https://eupolcopps.eu/page/facts/en>.

⁶⁵ See, for example, Ejodus, Filip and Alaa Tartir, "Policing Palestine," *Sada Middle East Analysis* (Carnegie Endowment for International Peace), 15 August 2017, <http://carnegieendowment.org/sada/72821>.

mate beneficiaries.”⁶⁶ Others argue that the discrepancies between the EU’s peacebuilding rhetoric and its *de facto* security reform activities on the ground have severely undermined the mission’s potential “by providing a service without reforming the Palestinian ministry institutions, and establish[ing] structures that are unsustainable.”⁶⁷

Office of the Quartet (OQ)⁶⁸

The OQ cooperates with the USSC and the Palestinian-Israeli District Coordination Offices to develop a comprehensive mapping of PASF access in the West Bank with the goal of easing their movement, thereby reducing response times and improving communications and service delivery. In addition, the OQ supports efforts to ensure public order, safety and the rule of law in underserved areas beyond Area A.



UN Organizations

UNDP, UN WOMEN and UNICEF work jointly on the second phase (2018-2023) of the SAWASYA project aimed at advancing the rule of law, integrity, gender justice and human rights in Palestine through strengthening institutions, providing effective and accountable services, improving access, and addressing gender justice gaps and discrimination against women.⁶⁹ UN WOMEN is also engaged with gender equality activities and career opportunities for women in the police. The UNOHCHR monitors, documents and reports on human rights violations perpetrated by all duty bearers in the OPT to ensure accountability. UNOPS works to improve the rule of law, justice and human rights. It has supported the MoI in operational management and civilian outreach capacity to ensure efficient and effective civilian governance within the security sector.⁷⁰



GIZ – Deutsche Gesellschaft für internationale Zusammenarbeit

Commissioned by the German Federal Foreign Office, the GIZ has been working since 2010 with the MoI and the Civil Police to strengthen police structures by building and equipping efficient police stations and improving community policing through mobile police stations to increase the police presence, especially in areas where PA security control is restricted. In addition, cooperation mechanisms between police and local communities are being established to build trust and strengthen civilian oversight, and a Leadership Development Program was launched at the Police College in Jericho.



DCAF

Working closely with authorities and civil society, DCAF has supported institutional development and reforms in the Palestinian security and justice sectors since 2007, enhancing their transparency, accountability, and service orientation to enhance their public legitimacy and acceptance, and thus their effectiveness. Among other things, DCAF has created the Palestinian Security Sector Legislation database (<https://security-legislation.ps/>) and the Palestinian chapter of Marsad, the security sector observatory, which gathers news items, analyses and reports relevant to Palestinian security sector governance and reform (<https://www.marsad.ps/en/>). Through its International Security Sector Advisory Team (ISSAT), DCAF supports UNDP in improving their strategic monitoring capability in the field of rule of law, and has conducted an evaluation of the Sawasya II “Promoting the Rule of Law in Palestine” project. Currently, DCAF is working with the BST at the USSC.



⁶⁶ Tartir, Alaa and Filip Ejodus, “Effective? Locally owned? Beyond the technocratic perspective on the European Union Police Mission for the Palestinian Territories,” *Contemporary Security Policy*, Vol. 39, 2018 - Issue 1: 142-165.

⁶⁷ Kristoff, Madeline, “Policing in Palestine: Analyzing the EU Police Reform Mission in the West Bank,” *SSR Issue Paper No. 7*, February 2012, p. 14., available at: https://www.cigionline.org/sites/default/files/ssr_issue_no7.pdf; see also Müller, P. and Y. Zahda, “Local perceptions of the EU’s role in peacebuilding: The case of security sector reform in Palestine,” *Contemporary Security Policy*, Vol. 39, 2018 - Issue 1: 119-141.

⁶⁸ Established in 2002, the Quartet consists of the UN, the EU, the US and Russia; its mandate is to help mediate Middle East peace negotiations and to support Palestinian economic development and institution building.

⁶⁹ <https://www.ps.undp.org/content/papp/en/home/projects/sawasyaii.html>.

⁷⁰ <https://www.unops.org/palestine-state-of>.

3.2.2 Third Party Monitoring Missions

There have been two third-party monitoring missions in Palestine: The **Temporary International Presence in Hebron (TIPH)**, a civilian multi-national observer mission that operated from 1994 to 2019 to “monitor the situation in Hebron and record breaches of international humanitarian law, the agreements on Hebron between Israel and the Palestinian authority and human rights.” TIPH promoted a feeling of security to the Palestinians of Hebron, but was unilaterally terminated by Israel in January 2019.



Today, there is still the **European Union Border Assistance Mission (EUBAM)** at Rafah, which was launched on 24 November 2005 as a civilian mission under the EUs’ Common Security and Defence Policy to provide a third-party presence at the Rafah Crossing Point between Egypt and Gaza following Israel’s disengagement from Gaza and the PA-Israel Agreement on Movement and Access. EUBAM works to build Palestinian capacity, improve cross-border cooperation between the different border agencies, monitor operations at the border, and liaise between the Palestinian, Israeli, and Egyptian authorities. It is currently headed by Col. Florin Bulgariu, a high-ranking police official from Romania.



4. Relationship with civil society - perceptions and misperceptions

The nature of civil-security relations is an important factor in determining whether efforts to promote reforms and the rule of law can succeed or are more likely to be hampered by the actions of the security forces. In Palestine, these relations are predominantly antagonistic. When the first Palestinian forces arrived in 1994 in Gaza, they were highly welcomed by the public as a symbol of their future independence, with hopes that they would bring safety and order to the towns and villages that had suffered from decades of occupation-related insecurity. However, the PA security apparatus soon became the subject of controversy and debate. Initial problems had to do with the social reasons, such as the lack of a culture of obeying rules and the notion of “exceptionalism”, such as parking a car “just for a moment” in an area designated as no parking. Much more problematic, however, were the conditions set forth in the 2003 Roadmap, which required the PASF to combat terrorism, apprehend suspects, fight incitement, collect illegal weapons, provide Israel with a list of Palestinian police recruits, and report progress to the US – all of which made it appear as “an externally-controlled process ... driven by the national security interests of Israel and the United States.”⁷¹ Thus, the prevailing view was and still is that the PA, as a “puppet” of Israel, provides security only to the Israeli population, and that the PASF’s main task is the security cooperation with the occupier in Areas A and B, while Israel has a free hand in Area C (some 60% of the West Bank). Especially negatively perceived are the regular Israeli incursions and arrest raids into Area A,⁷² which take place in coordination with the PASF, as well as the settler attacks on Palestinians and their property,⁷³ which make the PASF appear as “collaborators” with the occupation and massively undermine their legitimacy.⁷⁴ The people’s deep discontent with this situation is reflected in polls showing the overwhelming support for the PA’s repeated threats to end the security coordination with Israel, although most people doubt that such a decision will ever be implemented.⁷⁵ This has proven to be true, because even when the PA halted coordination with Israel over its annexation plans in 2020, security arrangements remained in place.

⁷¹ Agha, Hussein and Ahmad Khalidi, *A Framework for a Palestinian National Security Doctrine*, London: Royal Institute for International Affairs/Chatham House, 2005. Already back in 2002, then US President George W. Bush was quoted as saying “The United States will not support the establishment of a Palestinian state until its leaders engage in a sustained fight against terrorists and dismantle their infrastructure. This will require an externally supervised effort to rebuild and reform the Palestinian security services.” Quoted in Amrov, Sabrien & Alaa Tartir, “After Gaza, What Price Palestine’s Security Sector?” *Al-Shabaka Policy Brief*, October 2014.

⁷² The Oslo Accords divided the West Bank into three zones: Areas A, B and C; the PA has only in Area A (= the urban centers – some 17.7% of the West Bank), sole jurisdiction and security control, but Israel still retains authority over movement into and out of these areas, and repeatedly makes use of this ‘right’ during incursions and arrest raids. According to Addameer, 4,190 of the total 4,850 political prisoners in Israeli jails (as of 14 July 2021) are West Bankers, see <https://www.addameer.org/statistics>.

⁷³ These ideologically-motivated acts of violence include bodily harm, destruction, damaging and vandalism of all types of property, including uprooting of trees, and theft of equipment, livestock and produce. They are often termed ‘price tag’, and the Israeli army usually remains idle, while the PASF have no say whatsoever, and even cases for which complaints are filed hardly any are ever being investigated. See <https://www.yesh-din.org/en/category/settler-violence/>.

⁷⁴ Recently, for example, the arrest on 5 May 2021 of Muntaser Shalaby, who carried out an attack at the Tapuach Junction, sparked rage on social media directed against the PA because its security forces assisted Israel in his capture.

⁷⁵ See, most recently, PCPSR, *Public Opinion Poll No. 76*, June 30, 2020, available at: <https://www.pcpsr.org/en/node/813>; see also *JMCC Poll No. 94* of March 2019, according to which 60.6% opposed the continuation of security coordination with Israel and a vast majority - 83.9% - would not accept any future peace agreement that included continued Israeli security control over parts of Palestine.

Moreover, given the political stalemate in the West Bank, the PASF is seen as mainly concerned with maintaining Fatah's power by suppressing rivals and opponents – widely tolerated and at times even in response to pressure by the international community and Israel to serve their interests.⁷⁶ This increasingly authoritarian behavior of the PA/PASF has been widely documented, with people and rights organizations complaining of arbitrary detentions, no or unfair trials, harassment, intimidation, restriction of civil rights, criminalization of critics, abuse and even torture⁷⁷ – all contrary to its responsibilities as a duty bearer to its citizens and in violation of both the Code of Conduct and Ethics for PASF members issued on 26 February 2018⁷⁸, and the obligations Palestine had assumed in ratifying international treaties. Growing fears of an emerging “police state” has negatively affected the public's sense of safety and its trust in the PASF. These seem to have merely taken over tasks from the Israeli occupation forces, “liberating it from the low-status task of colonial policing,”⁷⁹ rather than operating as an independent national force accountable to the society it is supposed to serve. A 2015 study on strategic risks and knowledge gaps related to Palestinian SSR identified the PASF's failure to treat citizens with dignity as a critical feature hindering a healthy and transparent relationship between the PA security sector and Palestinian civil society.⁸⁰

The Palestinian Independent Commission for Human Rights (ICHR) documents hundreds of citizens' complaints each year, over two-thirds of them security-related, including complaints of violations of the rights to physical integrity and to personal freedom and security, physical or moral assaults, threats and torture during detention, cruel and degrading treatment, arbitrary detention, house searches without legal warrants, disrespect for the rights of detained persons, and failure to enforce court orders. Other complaints relate to violations against the freedom of opinion and expression and peaceful assembly, as well as to unfair competition over employment and non-compliance with the legal norms of suspension and dismissal.⁸¹

Adding to these negative perceptions is the fact that the security forces account for the largest item in the PA's budget and allegations of corruption and *wasta* in recruitment and posts.

On the positive side is the performance of the civil police in confronting crime and maintaining public order. That their role is appreciated was reflected, for example, in a series of PCPSR polls conducted in 2016, which found that 65% of respondents felt that the police protected them from Palestinian, but not Israeli assaults,⁸² and that Palestinians living in areas with little police presence (i.e., Areas B and C) felt significantly less safe than those living under PA jurisdiction in Area A.⁸³

Of those who had experience with the police, 33% reported difficulties, such as being transferred from one officer to another (82%), weak follow-up (81%), long period before response (74%), no privacy (70%), and a too distant police station (66%).⁸⁴ Still, 60% of respondents were satisfied with the police's performance in delivering security (36% were not),⁸⁵ and 61% thought police was capable of enforcing law and order.⁸⁶ To be fair, however, it should be noted here that civil police are better known to the public than others and conduct less sensitive tasks.

⁷⁶ See for example, El Kurd, Dana, *Polarized and Demobilized: Legacies of Authoritarianism in Palestine*, London: Hurst & Co., 2019.

⁷⁷ See, e.g., *Euro-Mediterranean Human Rights Monitor Report of May 2018*, the reports of the Palestinian Independent Commission for Human Rights reports (<https://ichr.ps/>), and Human Rights Watch, *Two Authorities, One Way, Zero Dissent: Arbitrary Arrest and Torture Under the Palestinian Authority & Hamas*, 2018.

⁷⁸ The full text is available at: <https://www.ps.undp.org/content/papp/en/home/presscenter/articles/2014/06/12/development-of-the-palestinian-civil-police-code-of-conduct.html>.

⁷⁹ Naser-Najjab, Nadia & Shir Hever, “Elite and popular contradictions in security coordination: overcoming the binary distinction of the Israeli coloniser and the colonised Palestinian,” *Critical Studies on Security*, 2021.

⁸⁰ SMA White Paper: *A Geopolitical and Cognitive Assessment of the Israeli-Palestinian Security Conundrum*, June 2015, <https://nsiteam.com/social/wp-content/uploads/2016/01/A-Geopolitical-and-Cognitive-Assessment-of-the-Israeli-Palestinian-Security-Conundrum.pdf>.

⁸¹ See <https://ichr.ps/>.

⁸² Perceptions vary from one area to the other: Area B: 74%, Area C: 60%, H2: 29%, and isolated East Jerusalem neighborhoods: 18%. PCPSR, *Who Needs Security?* Report No. 2, February 2017, available at: <https://www.pcpsr.org/en/node/698>.

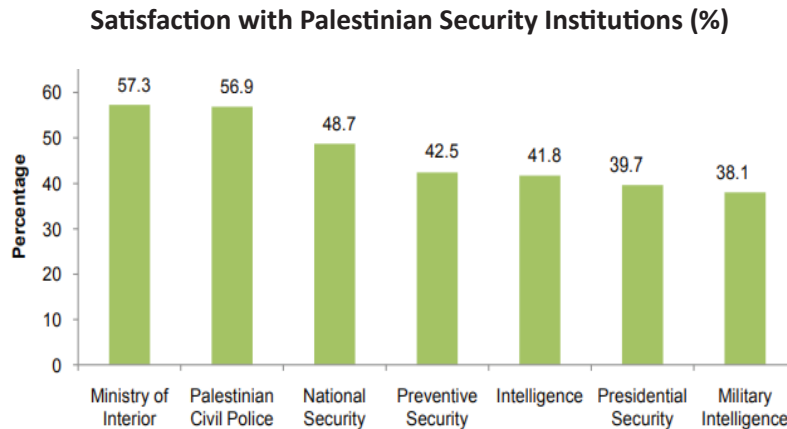
⁸³ Of those residing in Area A, 36% said that they “Do not feel safe and secure”, compared to 48% in Area B, 63% in Area C, 81% in H2 (Hebron), and 86% in isolated Jerusalem neighborhoods, *Ibid*.

⁸⁴ *Ibid*.

⁸⁵ Satisfaction was highest in Area B (68%), followed by Area C (53%), and rather low in isolated Jerusalem neighborhoods (27%) and H2 in Hebron (22%). *Ibid*.

⁸⁶ 70% in Area B, 47% in Area C, 25% in the isolated East Jerusalem neighborhoods, and 21% in H2 (Hebron). *Ibid*.

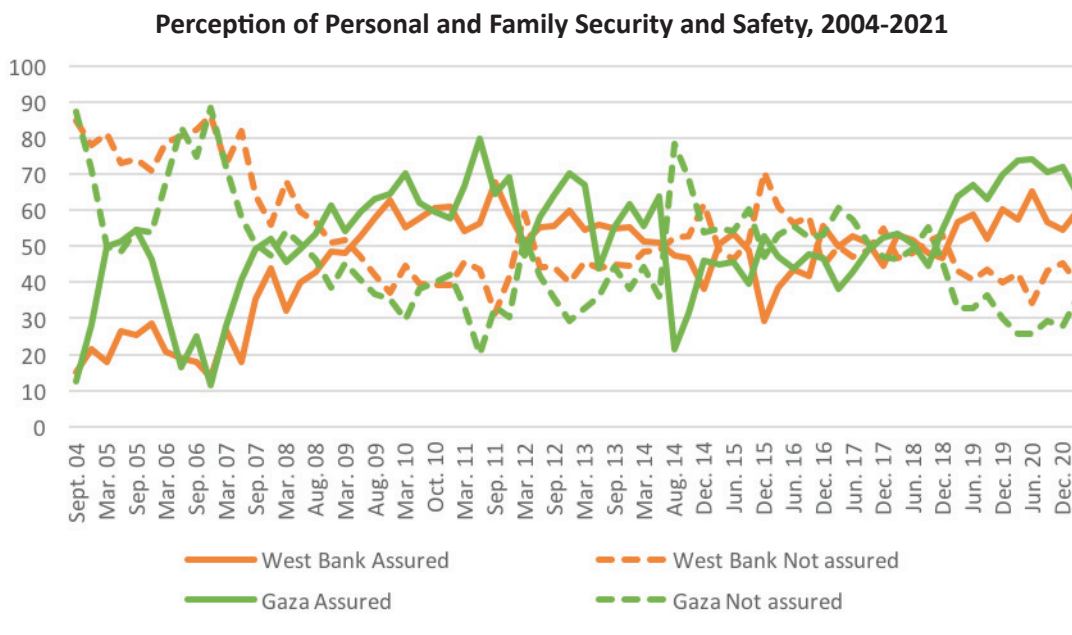
A 2019 survey found that of people (18+ years) dealing with institutions of the security sector, most were satisfied with the MoI and the Civil Police (and least with the Military Intelligence):



Source: PCBS, *Rule of Law and Access to Justice Survey, 2018 - Main Findings*, March 2019.

A recent poll found that most Palestinians (77%) approved of the response of the security services in the West Bank to the outbreak of the Coronavirus pandemic,⁸⁷ and according to another survey one year into Prime Minister Mohammed Shtayyeh’s government, 89.7% said they had confidence in the police.⁸⁸

Overtime, people’s perception about their personal and family safety and security situation also improved, as illustrated in the following graph based on PCPSR polls since 2004.⁸⁹ While there was no differentiation between the various branches, it is safe to assume that the credit goes mainly to the police, with which most people have the most interactions when it comes to personal and family safety issues.



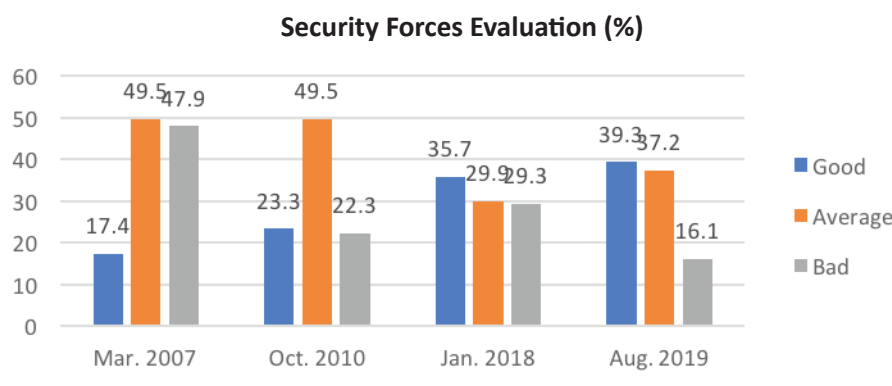
Source: PCPSR Polls, September 2004-June 2021.

⁸⁷ PCPSR, *Public Opinion Poll No. 76* of June 30, 2020, available at: <https://www.pcpsr.org/en/node/813>.

⁸⁸ JMCC *Poll No. 96* of June 2020.

⁸⁹ The corresponding question in the polls was: “Would you say that these days your security and safety and that of your family is assured or not assured?” For the graph, we combined the answers for “completely assured” and “assured” as well as those for “not assured” and “not at all assured”.

Over the years, the public's satisfaction with the performance of the security forces (which has been monitored in various opinion polls) has increased, as the following chart shows:



Source: JMCC polls.⁹⁰

This should not be underestimated, as security is a significant issue for Palestinians, as a poll conducted just before the recently expected (and then cancelled) PLC elections confirmed: when asked which issues they considered most important in evaluating a party program, the top priority of almost a quarter of the respondents was security (23.8%), only economic issues had more votes (35.3%).⁹¹

Certain incidents, on the other hand, caused the reputation of the security forces to wane, and the public's disapproval was reflected accordingly in opinion polls. For example, in 2016, a large majority of respondents (84%) said they viewed as unacceptable the behavior of the PA security services in setting up checkpoints to prevent striking teachers from reaching the government headquarters in Ramallah; in 2018, 81% opposed the security services' action to quell demonstrations in the West Bank that called for lifting the measures taken by the PA against the Gaza Strip; in 2019, 66% believed it was the security services' duty to protect several buildings in the Wadi Hummus area (under PA zoning control) from Israeli demolition, and 63.5% had no confidence that the security services could guarantee free and unimpeded election campaigns for all electoral lists; and in 2020, 79.7% disapproved of the security services' arrest of Palestinian activists planning to demonstrate against PA corruption.⁹²

The Coalition for Accountability and Integrity – AMAN, which is the Transparency International chapter for Palestine, also regularly reports on the conduct of the security agencies. During 2018, for example, of all complaints against government departments received by the General Directorate of Complaints of the Council of Ministers, 12.5% were against security agencies, making them the least public complaint-receiving public institution. Most of the complaints in the security sector were against the Police (770) - which is most likely due to the fact that people mainly interact with the police and also feel safer making a complaint against the police than against intelligence agencies or other services - followed by the Intelligence (145), Preventive Security (80), and Military Intelligence (65).⁹³

Together with a number of civil society organizations, AMAN also initiated the 'Civil Forum for Enhancing Good Governance in the Security Sector' to work towards accountability and social oversight of the security establishment and contribute to the development and establishment of a Palestinian national strategy, including promotion of citizen's right to access information regarding what the PASF are doing under the law.⁹⁴

⁹⁰ JMCC Polls No. 61 of March 2007, No. 72 of November 2010, No. 91 of January 2018, and JMCC Poll No. 95 of August 2019. The latter poll separately asked for police evaluation, whose performance was rated slightly better, though with significant differences between the West Bank and Gaza Strip: 41.3% good (WB: 55.9%, GS: 19.8%), 35.9% average (WB: 27.1%, GS: 48.9%), and 15.9% bad (WB: 9.8%, GS: 24.9%).

⁹¹ JMCC Poll No. 97 of April 2021.

⁹² PCPSR, Public Opinion Polls No. 56 of March 2016, No. 68 of June 2018, No. 73 of September 2019, No. 74 of December 2019, No. 77 of September 2020.

⁹³ In 2018, ministries received 2,600 complaints, governorates 3,828, non-ministerial public institutions 1,444 and security sector 1,126. Most complaints relate to violations of the right to life, physical and emotional well-being; failure to perform one's job and bad conduct of the security personnel; and failure to implement court decisions and illegal detention. AMAN, *The State of Integrity and Combating Corruption in Palestine 2019 - 12th Annual Report*, https://www.aman-palestine.org/cached_uploads/download/2020/10/06/12th-annual-report-final-1602000805.pdf.

⁹⁴ For details and publications of the Forum see: <https://www.aman-palestine.org/en/about-aman/84.html>.

5. Relationship with the Judiciary (laws, rule of law, legal oversight)

The Legal Framework of the Palestine Security Forces

- **Palestinian Basic Law (2005 amendment to 2003 Basic Law):** Sets forth the general rules for the security sector management.
 - President of the PA holds the position of the Commander-in-Chief of the Palestinian security forces (Art. 39) and is vested with the power of declaring the state of emergency in case national security is under threat (Art. 110).
 - The Council of Ministers is responsible for maintaining public order and internal security (Art. 69.7).
 - Security forces and police are defined as “regular forces. They are the armed forces in the country. Their functions are limited to defending the country, serving the people, protecting society and maintaining public order, security and public morals. They shall perform their duties within the limits prescribed by law, with complete respect for rights and freedoms.” (Art. 84)
- **Law on Civil Defense No. 3 of 1998:** regulates the competences of the Civil Defense, which is answerable to the Mol.
- **Law on General Intelligence No. 17 of 2005:** sets forth the competences of General Intelligence, which is accountable to the PLC.
- **Law of Service in the Palestinian Security Forces No. 8 of 2005:** regulates the management and operations of the security agencies which are categorized in three main forces: (1) the National Security Forces and the Palestine National Liberation Army, (2) Internal Security Forces, and (3) General Intelligence.
- **Law by Decree No. 11 of 2007 on the Preventive Security:** defines Preventive Security as part of the Internal Security Forces and sets forth its competences.
- **Law by Decree No. 2 of 2016 on Customs Police:** Establishes the Customs Police, which is answerable to the Mol, and regulates its competences.
- **Law by Decree No. 23 of 2017 Concerning the Police:** regulates the affairs, work, powers and competences of the civil police, whose members are held accountable before regular judiciary.
- **Law by Decree No. 2 of 2018 Concerning the Security Forces Justice Commission** lays down the independence of military judges and regulates the work and tasks of military courts and judges.

While the 2003 Roadmap separated the Office of the Prime Minister from that of the President and consolidated the security agencies into three services under the Mol, the PASF’s status and structure remained *de facto* unchanged, undermining to this day the push to institutionalize security under the Mol.⁹⁵ Even the 2005 Law of Service in the Palestinian Security Forces, as the key legal reference, is essentially only a technical text that creates many discrepancies between its stipulations and the reality on the ground. It is currently being reviewed.

Several laws, including the PA’s Basic Law, and executive decrees are in place to regulate the security forces and provide for an independent judiciary, but in practice they operate largely without accountability. Laws designed to create a comprehensive legal framework for the security sector came to a halt with the 2007 Hamas takeover of Gaza, since when the PLC has become defunct. To void was partially filled with presidential decrees, but this also raised serious questions of legitimacy and legality, especially since President Abbas’s term is long expired. The PA judicial system is subject to pressure from the security agencies and the Executive, resulting in the non-implementation of court orders,⁹⁶ and the absence of parliamentary oversight has not only severely weakened control over its performance for over 14 years, but also made it increasingly difficult for civil society organizations to perform a scrutiny function.

⁹⁵ See, for example, Zilber, Neri and Ghaith Al-Omari, *State with No Army, Army with No State - Evolution of the Palestinian Authority Security Forces, 1994-2018*, Washington Institute for Near East Policy, Policy Focus 154, March 2018.

⁹⁶ US Department of State, *2020 Country Reports on Human Rights Practices: Israel, West Bank and Gaza*, op. cit.

The lack of a clear legal framework and of the MoI's ability to exercise oversight of the security forces remain high on the list of SSR deficiencies and have resulted in a considerable decline in trust in the judiciary over the past years, with two-thirds of Palestinians believing there is corruption in the courts and prosecution.⁹⁷ As a result, they increasingly resort to settling disputes outside state courts, which rights defenders warn can undermine the rule of law.⁹⁸ This was one of the considerations that prompted Deputy Minister of Interior Yousef Harb in early 2021 to launch a curriculum for integrity and transparency training in the security sector, which was adopted by the PA military training academy.⁹⁹

Another problem that persists at least partially due to the lack of control is the structural imbalance in the monthly salaries allocated to security forces, which amounted to NIS 242 million in 2019, of which NIS 152 million (or 63%) were salaries for the 30,979 officers of higher ranks, while NIS 90 million (37%) accounted for the 31,466 lower ranking officers and soldiers. This translates to one general's salary being equivalent to the salaries of six soldiers, the salary of a brigadier equivalent to the salaries of five soldiers, and a colonel's salary equivalent to that of four soldiers. This large salary gap and the inflated number of officers affect the ability of the security sector to function effectively.¹⁰⁰

Besides the aforementioned 'Civil Forum for Enhancing Good Governance in the Security Sector' launched by AMAN, another civil institution trying to exercise some kind of judicial oversight is the ICHR, which monitors rights violations and handles complaints. In 2017, 72% of the 2,656 complaints it received were security-related, including cases of assaults, physical torture or threats, and inhumane and degrading treatment.¹⁰¹

6. Experiences To Date and Challenges Ahead

SSR has been high on the agenda since President Abbas came to power in January 2005 and remains central to relations between PA and international donors, in particularly the US and the EU. There is no doubt that EUPOL COPPS interventions improved the performance of the police, criminal justice institutions and the Ministry of Interior, as well as civilian oversight,¹⁰² and the USSC succeeded in building a security apparatus that reliably ensures that Israel's security is not compromised. This was evident not only when demonstrations were halted in the wake of Donald Trump's December 2017 recognition of Jerusalem, but also most recently during the May 2021 confrontations, when the West Bank remained suspiciously quiet while the rest of the country was in turmoil.

Critics argue, however, that donor efforts, especially US and European security assistance, although well-intentioned, are limited and unsustainable, focusing on restructuring and technical assistance (military/counterterrorism training and equipment), while neglecting support for democratic governance and the rule of law to improve mechanisms for accountability and judicial oversight equally.¹⁰³ However, such issues have meanwhile been addressed and are now key components of the USSC's institutional level work.

Critics further contend that SSR has contributed to both increasing Palestinian authoritarianism and Israel's ongoing occupation. One step to improve this was to add a rule of law component to the USSC and EUPOL COPPS missions. However, the aforesaid one-sided focus has obstructed the development of the PASF in the West Bank in contrast to Hamas's forces in Gaza, which, despite limited resources have developed very effec-

⁹⁷ AMAN, *Annual Opinion Poll on the Reality of Corruption and Anti-Corruption Efforts in Palestine*, 2020, https://www.aman-palestine.org/cached_uploads/download/2021/01/31/e-poll-1612084850.pdf.

⁹⁸ "'Tribal justice' in Palestine outflanks official legal system", *Aljazeera*, 25 January 2021, <https://www.aljazeera.com/news/2021/1/25/palestinian-tribal-law-puts-stability-over-justice-rights-groups>.

⁹⁹ "Focusing on 'Integrity in the Palestinian security sector 2020', the Civil Society Forum to Promote Good Governance in the Palestinian Security Sector held its third annual conference with participant of the Ministry of Interior," February 2021, available at: <https://www.aman-palestine.org/en/activities/14677.html>.

¹⁰⁰ AMAN, *The State of Integrity and Combating Corruption in Palestine 2019 - 12th Annual Report*, op. cit.

¹⁰¹ ICHR, *Status of Human Rights in Palestine*, 23rd Annual Report, 2017.

¹⁰² The rate of reported incidents of crime are on a downward trend: in 2019, the Civil Police dealt with 31,560 criminal and 1,948 drug-related cases, down from 32,911 and 2,133 respectively in 2018; PA-MOI, *Security Sector Strategic Plan 2021-2023*, November 2020, op. cit. However, it should be noted that data provided by the PA often need to be viewed with caution and that a drop in recorded crimes could also be due to the forces not detecting them or people having given up reporting them.

¹⁰³ See, for example, Sayigh, Yezid, "'Fixing Broken Windows': Security Sector Reform in Palestine, Lebanon, and Yemen," *Carnegie Endowment for International Peace Paper*, 27 October 2009, <https://carnegieendowment.org/2009/10/27/fixing-broken-windows-security-sector-reform-in-palestine-lebanon-and-yemen/lw9o>.

tively according to its own policies and priorities and without external interference, thereby creating a sense of “ownership” that is lacking in the West Bank.¹⁰⁴

The findings of AMAN’S 2020 Integrity Index of the Palestinian security sector showed a moderate overall score of 55%, reflecting the potential and risk of corruption. It also revealed a large discrepancy between existing legislation and practice - lack of enforcement, insufficient oversight of intelligence agencies, unclear recruitment and promotion mechanisms.¹⁰⁵ However, in Transparency International’s 2020 Global Government Defense Anti-Corruption Index Palestine was rated better than the MENA average of 17%, with an average of 27%.¹⁰⁶

Another point of critique was that the police is concentrated in urban Area A, while the security needs of the Palestinians in Area B and C, where PA forces do not have full access, are not met. One recent example was the rather poor implementation of Coronavirus procedures in rural areas due to the lack of a permanent security presence there as well as the inability to control over the movement of workers. The imbalance in the distribution of manpower and resources (way more of which is also allocated for the national, military and intelligence agencies), as well as the geographic and functional distribution of the police forces has been taken up by the GIZ in an attempt to remedy the neglect of police stations in rural areas.¹⁰⁷ However, the problem remains that security threats faced in these areas are especially occupation-related (delays at checkpoints, closures, land confiscation, house demolition, army raids, arrests, and settler violence), beyond the reach of the PASF, and to a lesser extent non-occupation-related (such as car theft, drug dealing, domestic violence, violations of building codes, and assaults by criminals and gangs), which are the main issues for Area A residents and much easier to tackle and reform.

While the PASF’s overall presence has improved since 2015 with expansions into Area B (e.g., establishment of police stations in Ar-Ram, Abu Dis, and Biddu¹⁰⁸) and better access and movement between the various West Bank areas mainly due to efforts of the Office of the Quartet for Middle East peace,¹⁰⁹ inefficiencies remain. Complicating matters are Israeli right-wingers completely opposed to expanding the PASF’s radius of action seeing it as risk to the security of Israelis, which they believe is and should be the responsibility of the IDF alone.¹¹⁰

One challenge that remains is to formulate a Palestinian National Security Policy within the context of the Israeli occupation, which even threatens to annex parts of the West Bank. While it is important to establish consensus on Palestinian security interests and clarify confusion over roles and responsibilities, any such attempt quickly reaches its limits due to the inherent contradiction between the provision of internal security for the Palestinians and the necessity to provide security to Israel. Moreover, the development of a coherent strategy is complicated by the fact that the intelligence agencies act on their own and outside the mandate of the USSC and EUPOL COPPS. Thus, it is obvious that some kind of a Basic Security Law is needed to clarify all the functional differentiations between the various security agencies and resolve the many inconsistencies.

Palestinian security performance is detailed in the US State Department’s annual Country Reports on Terrorism – chapter on Israel, West Bank, and Gaza. The 2019 report (released in June 2020) cautiously praised the PA’s counterterrorism efforts, stating that “The PA security forces constrained the ability of terrorist organizations and individuals to conduct attacks, in part by arrests targeting those planning attacks against Israelis.” However, this often comes at the expense of violating of the rule of law, which international donors and the PA tend to ignore in their bid to “sell” SSR as safeguarding justice and human rights and creating a strong PASF able to prevent groups such as Hamas and Palestinian Islamic Jihad from gaining ground.

¹⁰⁴ See, for example, Sayigh, Yezid, *Policing the People, Building the State*, op. cit.

¹⁰⁵ The Index is a periodic description of the state of the security sector’s vulnerability to corruption. It consists of 80 indicators measuring the security sector’s immunity against corruption - divided into three categories: (1) legislation, policies, practices; (2) transparency, accountability and integrity values; and (3) political management.

¹⁰⁶ All 12 countries from the Middle East and North Africa (MENA) were rated at “very high” or “critical” risk of corruption in its defense and security institutions, except Tunisia, which was rated at “high” risk. See *The Global Government Defense Anti-Corruption Index, 2020*, Issued by Transparency International’s Defense and Security Program on November 2019.

¹⁰⁷ GIZ, “Governance - Police Programme,” https://www.giz.de/en/downloads/FS%20Police_Pterr.pdf, and “Strengthening of Police Structures,” <https://www.giz.de/en/worldwide/18101.html>.

¹⁰⁸ Ghaith al-Omari, “Preserving Israeli-Palestinian Security Cooperation,” *Policy Alert* (Washington Institute for Near East Policy, Apr. 10, 2015), <http://www.washingtoninstitute.org/policy-analysis/view/preserving-israeli-palestinian-security-cooperation>.

¹⁰⁹ See, e.g., Office of the Quartet, “Report on the Activities of the Office: January 2016-June 2017,” July 19, 2017, <http://www.quartetoffice.org/files/Annual%20report%202017.pdf>.

¹¹⁰ Barak Ravid, “Israeli Minister: Security Cabinet Kept in Dark about Talks with Palestinians,” *Haaretz*, March 14, 2016.

Even the resumption of negotiations – and eventually Palestinian statehood – is linked to the reliable and strong performance of the PASF vis-à-vis Israel's security. This paradox of subcontracting the occupied entity to provide security for its occupiers is not only the main reason for the civilian population's rather hostile attitude and prevailing misperception toward the PASF, especially as it is obvious that Israel is fairly content with the situation as is and not really interested in proceeding with the peace process, but also one of the sticking points of reform efforts. For example, a 2015 study found that in an environment of political stalemate and a steadily deteriorating economy coupled with ongoing settlement construction, improving PASF capabilities - which address Israeli security - reduce both public support and PA legitimacy, thus reducing SSR effectiveness and even causing unrest.¹¹¹

Add to this are internal constraints, such as geographic fragmentation, the Hamas-Fatah divide (the reconciliation of which has stalled over the demand that Hamas cedes control over security in Gaza to the PA), and the uncertain future of the currently ruling Fatah faction, one can sense the tasks ahead, of which the PASF remain a key actor.

As for PASF personnel, their numbers, especially with regard to senior ranks, needs to be reviewed, reduced, and overlaps as well as unmet security needs need addressed. Accordingly, the security budget must be adjusted so that operating line items get scaled up, allowing for a better performance of the assigned duties.¹¹²

Problematic with regard to the above pending tasks ahead is the likely resistance and opposition from certain security chiefs, particularly in the intelligence realm. Unwilling to give up their special status (basically operating in a legal vacuum), they have resisted coordination in the past and are likely to do so again. It is equally unlikely that President Abbas, who exerts *de facto* control over the entire PASF, will be ready to concede this element of his power, so there is still a lot of convincing to be done.

7. Conclusion / Outlook

Since their establishment some 26 years ago, the PASF have become increasingly professional and effective – against all odds and despite the political stalemate, confrontations with Israel, the internal divide, and economic depressions. Its coordination with Israel is often referred to as the “greatest success story” in the context of the post-Oslo Israeli-Palestinian conflict, but it has serious flaws that only can be overcome if the PASF is empowered in a way that demonstrates to ordinary citizens that its role, including cooperation with Israel, is of benefit to them and their goal of statehood. This involves not only giving the PASF more freedom of movement throughout the OPT, stopping Israel's incursions into Area A, and forcing Israel to interfere with settler violence, but also requires a consensus on Palestinian security interests and the creation of a common, national security vision. This would not only strengthen the security sector, but also boost Israel's security and the investment climate in the OPT.

Steps in this direction require, in terms of a coherent Palestinian national **security policy and strategy (doctrine)**, the empowerment of the currently dysfunctional MoI, and the integration of all forces in the West Bank and Gaza under its control and supervision with a clear legal framework laying out the mandates, accountability mechanisms, and duties of each PASF entity. In addition, parliamentary oversight must be ensured.

The **security forces** themselves need to be reassessed and professionalized in order to achieve a proper balance between commanding officers and soldiers and better allocate forces and resources – both geographically and functionally – to accommodate the security needs of all governorates and areas. This requires reducing the still bloated security apparatus, clarifying overlaps and gaps, followed by steps how to get rid of unnecessary staff (e.g., via early retirement, compensation, reassignment to other forces) and how to enhance the capabilities of certain agencies or departments, including specialized equipment and training as well as a transparent hiring and promotion policy away from the prevailing system based on patronage to one based on merits. This also requires a general environment analysis of existing threats (e.g., crime, terrorism, disaster) and present vs. needed capabilities, to identify and overlaps/gaps.

¹¹¹ SMA White Paper: A Geopolitical and Cognitive Assessment of the Israeli-Palestinian Security Conundrum, op. cit. It is worth noting that already back in 2001, the Mitchell Plan had acknowledged that “The kind of security cooperation desired by the [Government of Israel] cannot for long co-exist with settlement activity” – for the full text see https://avalon.law.yale.edu/21st_century/mitchell_plan.asp.

¹¹² AMAN, *The Palestinian Security Sector Budget 2019*, op. cit.

It is further crucial to improve the **image** of the PASF in the eyes of Palestinian civil society so as to overcome misperceptions and distrust and increase public confidence in the sector as sufficiently just and as serving the (own) people/national interest (vs. external domination). For this, a principles-based and bottom-up approach to Palestinian security should complement, if not replace, the current one tailored to the needs of the PASF/PA leadership). Moreover, security coordination with Israel must be more mutually beneficial – currently the PASF clearly pay a far higher political price being seen as “collaborators.” It must focus on areas of common interest, such as fighting crime, public safety, coordinated policing, which have become a key priority for USSC and EUPOLCOPPS in implementing a public safety concept of “police primacy” (as opposed to militaristic), and border crossings and borders.¹¹³ It also must uphold democratic values and principles.

In this context, it is also necessary for **external players** to take a more holistic and just view on the overall situation and shift their focus from training and equipping to institution-building, while taking into account the disproportionate nature of occupied and occupier and redress the preoccupation with Israel’s security accordingly. Promoting PASF empowerment, including a presence in Area C and East Jerusalem neighborhoods for improved security conditions and law enforcement, will need a lot of persuasion with the Israelis, but here, as well as in terms of holding Israel accountable for letting settler violence pass with impunity, donors and the international community at large must exert pressure on Israel and not just hide behind the notion that they can only enable and set the conditions, but not change the political situation. This also goes for the option of a third-party monitoring mission which could play a significant role in building confidence and legitimacy and protecting Palestinians where the PA is off-limits, including Jerusalem.



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¹¹³ SMA White Paper: A Geopolitical and Cognitive Assessment of the Israeli-Palestinian Security Conundrum, op. cit.