

SECURITY SECTOR REFORM IN THE OCCUPIED PALESTINIAN TERRITORIES



Roland Friedrich

PASSIA

Palestinian Academic Society for the Study of International Affairs, Jerusalem

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NIF	National and Islamic Forces
NIS	New Israeli Shekel
NSC	National Security Council
OECD	Organisation for Economic Cooperation and Development
PASSIA	Palestinian Academic Society for the Study of International Affairs
PCPSR	Palestinian Centre for Policy Survey and Research
PEP	Paris Protocol of Economic Relations
PFLP	Popular Front for the Liberation of Palestine
PICCR	Palestinian Independent Commission for Citizens' Rights
PIJ	Palestinian Islamic Jihad
PLA	Palestine Liberation Army
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organisation
PNA	Palestinian National Authority
PNC	Palestinian National Council
PNGO	Palestinian NGO Network
PRE	Politically Relevant Elite
RUSI	Royal United Services Institute
SSR	Security Sector Reform
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States
USAID	United States Agency for International Development
WINEP	Washington Institute for Near East Policy

Introduction

"The Syrians have fourteen, the Egyptians have twelve.

*I have only six to protect me."*¹

Yasser Arafat, when asked why the Palestinian National Authority (PNA) needed so many security forces.

Since the outbreak of the second *Intifada* in 2000 and the simultaneous end of the Oslo process,² numerous calls for a comprehensive reform of Palestinian institutions, especially the PNA, have been made from both inside and outside the Occupied Territories. These demands have become especially pressing over the last year as the PNA, indeed the whole Palestinian political system, has found itself facing its most acute crisis since the establishment of limited Palestinian self-rule in 1994. On the domestic level, Palestinian senior officials and legislators, political leaders, and civic organizations, as well as citizens from all across the spectrum have urged the PNA to improve its performance and transform itself into an effective set of institutions capable of meeting the basic needs of the Palestinian people. At the same time, international demands for change have been no less evident: Palestinian reform has emerged as a key ingredient in Israeli and United States (US) Middle East diplomacy and is one of the core elements of the Quartet's *'Road Map to Israeli-Palestinian Peace.'*³

A key factor in this context is the reform of the Palestinian security sector, in particular its police forces and intelligence services and their

¹ Bahatia, Shiham, "Arafat's Torturers Shock Palestine," in *Guardian Weekly*, 24 September 1995.

² The term 'Oslo process' refers to the Israeli-Palestinian peace negotiation process that began with the 1993 Declaration of Principles (DOP) and ended with the 2000 Camp David negotiations, which terminated without the reaching of an agreement. The contractual framework of the DOP and the subsequent agreements signed by the Israelis and Palestinians constitute the external legal basis of the PNA.

³ The 'Road Map' is a gradualist peace plan issued by the Quartet of Middle East mediators in April 2003. The Quartet comprises the US, the European Union (EU), the Russian Federation, and the United Nations (UN).

political oversight and control mechanisms.⁴ The performance of these agencies over the last ten years has been widely criticized, by the Palestinians due to their inability to guarantee law and order and to provide protection against Israeli attacks, and by the Israelis, for not fulfilling their task of preventing violence against their state.

However, the Occupied Territories constitute a unique backdrop for efforts of Security Sector Reform (SSR). Unlike in other political contexts – such as Eastern Europe or Africa – the target for SSR in the Palestinian case is not a sovereign state, but a transitional regime with contested legitimacy and a disputed territorial basis.⁵

Against such a backdrop, this research paper will examine Palestinian SSR in the post-Oslo phase,⁶ a scenario marked by renewed Israeli occupation of the West Bank, the virtual devastation of the PNA, and external pressure to overhaul the remaining Palestinian governing institutions. The underlying question is threefold: first, what are the actual contents and objectives of SSR in the Palestinian context? Secondly, who are the political actors engaged in the reform debate and process, and what are their motivations? And thirdly, what are the political and operational problems associated with the efforts to reshape the Palestinian security institutions? By undertaking such an inquiry, this paper will also shed some light on the more general obstacles that SSR faces in the context of state formation.

1. Structure of Analysis

A major constraint when trying to clarify the contents and objectives of SSR in the Occupied Territories arises from the fact that it is a subject layered with multiple notions. There are different interpretations of what SSR in the Palestinian context actually means, and these depend

⁴ A comprehensive analysis of security sector reform in Palestine would have to also include the Palestinian judiciary and penal system. This, however, is beyond the scope of this research paper.

⁵ In substance, the PNA is a limited self-government system with limited administrative, security, and legislative powers over limited areas in the West Bank and Gaza. While the PNA lacks many fundamental characteristics of a state – territorial contiguity, sovereignty over land, water and airspace, a fiscal base etc – the fact that it can legitimately exercise violence to maintain social order within the Occupied Territories gives it a state-like quality.

⁶ The 'post-Oslo phase' as understood here covers the period since the outbreak of the second *Intifada* in September 2000 until the present (October 2004).

on the internal or external actors talking about SSR and their respective political interests, objectives, and strategies. There exist two conflicting notions of Palestinian SSR, which can be described as the '*restructurist*' and the '*reformist*' agendas. Both agendas have their supporters in both the international and domestic arenas. The '*restructurist*' agenda is advocated by Israel and the US, but to a certain extent is also advocated by some actors within the Palestinian political system. The '*reformist*' agenda, meanwhile, is chiefly a demand of the Palestinian citizenry and civil society and is supported externally by the EU.

Both notions require further explanation. The '*restructurist*' agenda proposes a reorganization of the Palestinian security forces with the ultimate aim of removing control from the hands of Yasser Arafat, president of the PNA. According to this perspective, SSR functions as a tool for changing the existing Palestinian power structure by weakening Arafat's hegemonic position, with the long-term objective of dismantling the Arafat order in its entirety. Yasser Arafat, however, is widely recognized as the democratically elected president of the PNA, even if his rule in practice has always shown authoritarian traits.⁷ The '*restructurist*' agenda stands therefore in contrast to the normative underpinning of SSR, which is the promotion and transfer of democratic structures. In other words, it is not concerned with democratizing the Palestinian security sector but rather with changing the regime; it is thus contradictory to the very meaning of SSR.

In contrast, the objective underlying the '*reformist*' agenda is the transformation of the PNA security institutions so that they can play an effective and democratically accountable role in providing security for the Palestinian people. Indeed, reforming the Palestinian security forces in accordance with SSR precepts has been a long-standing demand of the Palestinian citizenry and civil society that dates back to the Oslo years.⁸ The '*reformist*' agenda reflects the concern of the

⁷ Running for the position of chairman (the title was later changed to president) of the PNA in the first Palestinian general elections in 1996, Yasser Arafat won with 87 percent of the votes. Although the second elections to the PNA presidency and the Palestinian Legislative Council (PLC) – which were originally scheduled for January 2003 – have not been held, polls indicate that 54 percent of the Palestinian electorate would again vote for Arafat. Palestinian Center for Policy and Survey Research (PCPSR). *Poll No. 12*, 24-27 June 2004, p. 8.

⁸ According to the PCPSR, an overwhelming majority of 93 percent of the Palestinians supports inside and outside calls for fundamental political reforms. With regard to the security sector, 79 percent support the unification of the Palestinian security services under the control of the Cabinet, and 85 percent

Palestinian public with the security agencies' performance, especially in terms of their widespread patterns of corruption and lack of respect for human rights, their inability to uphold law and order, and their failure to protect the Palestinians against incursions of the Israel Defense Forces (IDF).⁹

Against the background of this conceptual divide, the research paper is structured as follows: the first section will examine the theoretical concept of SSR and take a close look at the origins, contents, and problems of the SSR agenda; the second section will provide a detailed analysis of SSR in the emerging Palestinian state by scrutinizing the objectives of the actors involved and contrasting SSR precepts with the factual situation on the ground. This examination will be made with reference to the political, institutional, economic, and societal dimension of SSR: the political dimension sets the overall context for SSR; the institutional dimension describes the characteristics of the security sector to which SSR aspires; and the economic and societal dimensions set forth the necessary support mechanisms for successful reform.¹⁰ In accordance with the assumption that a genuine reform of the Palestinian security sector is primarily and originally an internal demand, special emphasis will therefore be placed on the domestic Palestinian setting and the respective actors engaged in the reform process.

2. Theory and Methodology

A systematic analysis of SSR in the Occupied Territories faces several theoretical and practical difficulties. The first concerns the relative novelty of the SSR agenda itself. SSR as a key concept has emerged in policy circles only very recently. While academic work on the topic is thus limited, at the same time there is a plethora of policy papers on the operational and technical aspects of SSR. In particular, there is a

support the appointment of an effective interior minister who controls the security services on a clear legal basis. Meanwhile, 42 percent of the Palestinians believe that the PNA itself is the factor impeding the processes of reform but with only 12 percent believing that Yasser Arafat opposes them. PCPSR. *Press Release Poll No. 13*, 23-26 September 2004.

⁹ The security services receive one of the least positive ratings of all PNA institutions, with only 35 percent of Palestinians considering their performance in a favorable light. *Ibid.*

¹⁰ Chanaa, Jane, *Security Sector Reform: Issues, Challenges, and Prospects*, Adelphi Paper 344. Oxford: International Institute for Strategic Studies (IISS), 2002, p. 28.

lack of a clear and systematic analysis of the SSR agenda grounded in political science theory that must entail a critical assessment of its ideological underpinning.

A second analytical difficulty relates to the multiple-level character of SSR in the Palestinian context and the variety of agencies involved. Although originating from the Palestinian domestic arena, efforts to reshape the Palestinian security sector are deeply embedded in the wider context of the Palestinian/Arab-Israeli conflict. This means that SSR has ramifications on both the regional¹¹ and the international¹² levels as well as the local level, with all three levels being closely intertwined and each having mutual influence in relation to the others.

A third constraint is a practical one, given the lack of academic literature and empirical material on the Palestinian security sector with regard to the timeframe evaluated here. The existing work mostly relates to the Oslo period,¹³ and the few articles covering the post-Oslo security domain are based mostly on Israeli intelligence sources.¹⁴ The empirical basis of this paper therefore consists mainly of PNA documents, internal working papers, and the findings of personal field research.¹⁵

¹¹ The regional level refers to the set of state-actors geographically adjacent to the Occupied Territories – in particular Israel, Egypt, and Jordan – and their interaction with the PNA.

¹² The international level refers to the wider set of international actors interacting with the PNA, especially the Quartet and its members, but also Norway, Japan, and individual member states of the EU.

¹³ Such as, for example Lia, Brynjar, *A Police Force without a State: The Palestinian Security Forces and International Police Aid in the West Bank and Gaza*. London: Ithaca, 2004; Peake, Gordon, *Policing Peace: The Establishment of Police Forces in the Palestinian Territories and Kosovo*, Dphil Thesis, Oxford 2003; Milton-Edwards, Beverley, "Palestinian State-Building: Police and Citizens as Test of Democracy," in *British Journal of Middle Eastern Studies*, Vol. 25 (1998) No. 1, pp. 95-119.

¹⁴ Such as Luft, Gal, *From Clandestine Army to Guardians of Terror: The Palestinian Security Forces and the Second Intifada*, Ariel Center for Policy Research (ACPR), www.acpr.org.il/ENGLISH-NATIV/04-issue/luft-4.htm.

¹⁵ This research was conducted between 21 July and 11 August 2004 in Ramallah and Jerusalem and encompasses 15 half-standardized interviews with Palestinian and Israeli officials, academics, journalists, and representatives of Non-Governmental Organizations (NGOs), as well as representatives of the donor community. Systematic research was complicated by the sensitive nature of the subject, the unstable domestic situation at the time of the author's stay.

Such shortfalls render the construction of an effective analytical framework more difficult. The theoretical frame that seems most adequate in terms of analyzing Palestinian SSR is the concept of democratic transformation. Democratic transformation refers to the transition¹⁶ of a political system from authoritarian rule to democracy.¹⁷ It can be broadly defined as a long-term and dynamic process that consists of progress towards a more rule-based, more consensual, and more participatory type of politics.¹⁸ The democratic transformation approach is on the one hand sufficiently broad to include the conceptual dimension of SSR, in particular its normative key elements of civil-democratic oversight and control, which are central in any process of post-authoritarian or post-conflict transition. The analysis of the SSR agenda in the paper's first section will thus be made with reference to the idea of democratic transformation as a deontological concept.

At the same time, the democratic transformation approach also offers theoretical frameworks for dealing empirically with the emerging Palestinian state. Transition in the Palestinian context is a rather complex process that entails at least two vectors. On the one hand, there is a transition from external rule to some form of statehood and territorial

and the adverse effects of the Israeli closure policy, which rendered research in locations other than those mentioned above impossible.

¹⁶ Transition is defined here as the interval between the existence of one political regime and another; it is thus not an established order, but on the contrary, constitutes periods of disorder.

¹⁷ Both of the terms '*authoritarian rule*' and '*democracy*' are loaded with evaluative and context-dependent connotations; this makes it extremely difficult if not impossible to agree on a single timeless and objective definition. However, in order to operate on a clear conceptual basis some definition of both terms is imperative. '*Authoritarian rule*' is hence understood here broadly as a political regime that is characterized by the restriction of freedom in favor of obedience to authority. Features of '*authoritarian rule*' may entail (1) the location of political power with a single leader or a small group, (2) the exercise of this political power largely unbound by legal or political restrictions, (3) a high degree of centralization, personalization, and arbitrariness in decision-making, (4) a lack of the rule of law, (5) limited political pluralism, and (6) the existence of parallel structures of domination, mobilization, and control. Likewise, '*democracy*' may be defined as a form of rule based on (1) equal citizenship and civil rights shared by all, (2) popular sovereignty and universal suffrage, (3) defense of minorities, (4) free and regular elections, (5) separation of powers among legislative, executive, and juridical branches, and (6) the rule of law.

¹⁸ Whitehead, Laurence, *Democratization. Theory and Experience*. Oxford: Oxford University Press, 2002, p. 27.

sovereignty, implying the transformation of a revolutionary and exiled liberation organization into a territorial government with responsibility for administration and bureaucracy. Simultaneously, there is a vector running from authoritarian rule to democracy, with the PNA constituting a hybrid that embodies characteristics of both. Formal mechanisms that are supposed to provide for the democratic conduct and operation of the Palestinian regime exist and function, but they are secondary to the actual power and decision-making structures, which are informal and which consist of power concentration and social control by surveillance, intimidation, and material incentives.¹⁹

A good starting point for the analysis of such multi-dimensional transformation processes, especially when looking at limited timeframes, is an actor-centered perspective. The analysis of the internal political context for SSR here is thus informed by an elite-oriented approach²⁰ to system transformation that analyses the objectives and strategies of the institutional and personal actors involved in transforming a political system. According to this perspective, the transition from authoritarian rule to democracy is a function of a continuous process of defining and redefining the preferences, strategies, and options between actors on the elite level.²¹ The elite approach seems capable of doing justice to the highly dynamic nature of Palestinian politics and its implications for the political feasibility of SSR. However, it is important to note that the elite is not an autonomous actor but is in multiple ways bound to the societal realm and to the political demands that originate from there.

¹⁹ See e.g., Ghanem, Asad, *The Palestinian Regime: A 'Partial Democracy.'* Brighton: Sussex Academic Press, 2002, pp. 104-135.

²⁰ The term 'elite' here refers to the so-called Politically Relevant Elite (PRE). The PRE comprises those persons in a given political system who wield political influence and power inasmuch as they take strategic decisions or participate in decision-making on a national level, contribute to defining political norms and values (including the definition of 'national interest'), and directly influence political discourse on strategic issues. It encompasses top government, administrative, and political leaders, but also reaches beyond this to include groups that contribute to political processes or influence them from various sidelines, such as leaders of mass movements and people who temporarily gain a position of political relevance. Perthes, Volker, "Politics and Elite Change in the Arab World," In Perthes, Voker (ed.), *Arab Elites: Negotiating the Politics of Change*. London: Lynne Rienner Publishers, 2004, pp. 1-36, p. 5.

²¹ Merkel, Wolfgang, *Systemtransformation*. Opladen: Leske & Budrich, 1999, p. 102.

I. The Concept of Security Sector Reform (SSR)

In order to analyze the SSR agenda it is important to first define what is meant by the terms '*security sector*' and '*security sector reform*.' Both terms have been subject to a contentious debate in policy circles over the past five years or so, and there is no clear and agreed set of definitions. Present usage tends to be dictated by the concerns of particular academic or policy communities. Broadly, the *security sector* of a state may be defined as encompassing those elements that have been granted a legitimate and exclusive role in the exercise of coercive power in society to deal with external and internal threats to the security of the state and its citizens. As such, it comprises all those organizations that have authority to use, or order the use of force, or the threat of force, as well as those civil structures that are responsible for their oversight, management, and control.²²

According to this perspective, the *security sector* may be viewed as comprising three pillars: (1) groups with a mandate to wield the instrument of violence such as military and paramilitary forces, intelligence services, and police forces together with border guards and customs officers/personnel, (2) institutions with a role in managing and monitoring the security agencies, in particular civilian ministries and parliaments, but also NGOs,²³ and (3) bodies responsible for guar-

²² Oversight is a broad concept and means the overviewing and setting of guidelines – most commonly in the form of laws – for the Executive and its agencies by the Legislative. Management refers to the operationalization of these guidelines on the part of the Executive, i.e., their translation into administrative regulations and technical procedures. Control in this context is understood as the checking of the Executive by the Judiciary and the Legislative against the background of the respective guidelines, procedures, and rules. See Born, Hans, *Democratic Oversight of the Security Sector: What Does it Mean?*, Geneva Center for the Democratic Control of Armed Forces (DCAF), Working Paper No. 9, April 2002, p. 3.

²³ NGOs can be defined as organizations that pursue political, social, cultural, or economic objectives and that are independent from the political authority, seek to serve the public interest, and do not aim at making profit in order to share it among its members. See for instance Barghouthi, Mustafa, "The Palestinian NGOs and Their Contribution to Policy Making," in Palestinian Academic Society for the Study of International Affairs (PASSIA) (ed.), *Policy Analysis*, Jerusalem 1998, pp. 63-68, p. 64.

antening the rule of law – the Judiciary, the penal system, and human rights ombudsmen.

The overall aim of SSR is therefore the transformation of security institutions to ensure that they play an effective, legitimate, and democratically accountable role in providing external and internal security for their citizens.²⁴ This definition underlines the process character of SSR and implies a holistic view of the security sector, with its transformation including the goals of strengthening democratic oversight and the rule of law as well as the professionalization and right-sizing of security forces.

The origins of the SSR agenda are to be found in two main sectors. The first is what can be called the Western donor community, i.e., the network of national and international actors giving material, financial, or conceptual aid to countries undergoing processes of development and transition. Here the dramatic processes of change after the end of the Cold War and the ensuing reorientation of the Western security priorities have prompted a rapprochement between the two distinct policy and academic communities of development and security/defense. From the early 1990s onward, the development community shifted attention to the important role that the security sector plays in issues related to economic development and peace consolidation. At the same time, in the security community, particularly in the field of civil-military relations, the post-communist transition processes in Central and Eastern Europe led many analysts to think more holistically about the role of security sector actors in political and economic reform.²⁵

In this respect, the actors engaged in the conceptual emergence of SSR fall into three main categories, each reflecting a particular set of concerns. The first comprises the UN, which through its role in peace agreements and international administrations developed a special interest in the processes of demobilization and reintegration of combatants. The second encompasses European regional institutions, in particular the EU and the North Atlantic Treaty Organization (NATO), which in the context of their eastwards enlargement made the reform

²⁴ Clingendael/International Alert/Saferworld, *Towards a Better Practice Framework in Security Sector Reform. Broadening the Debate*, Occasional SSR Paper No.1, August 2002, p. 1.

²⁵ Edmunds, Timothy, *Security Sector Reform: Concepts and Implementation*, DCAF, Working Paper No. 86, October 2002, p. 1.

of the candidate members' security sectors a condition of eventual membership. The third category, meanwhile, comprises Western development agencies²⁶ that believe development assistance plays a direct role in conflict prevention and peace consolidation.²⁷

The second origin of the SSR agenda is connected to the transition processes undergone by developing and former socialist countries since the 1980s, especially in the context of the end of military rule in many Latin American states and the second wave of democratization in Africa. A great many of the advocates and practitioners of SSR are located here, especially actors such as NGOs, academic institutions, and reform-minded members of the political elite. The impetus for addressing the security sector has varied greatly depending on the political context: for example, in Eastern Europe and Latin America SSR is seen as a part of a broader democratization process, whereas in many African countries it is perceived as part of advancing peace and development.²⁸

Given the twofold origin of the concept, it is little wonder that the contexts of SSR cover a vast array of scenarios, ranging from states undergoing the transition to democracy and emerging or consolidating states to conflict-torn societies and post-conflict settlement and reconstruction scenarios. In all those cases the reform of the security sector is conceptually linked to wider processes of good governance,²⁹ which itself is seen as an element of democratic transformation.

However, the policy framework of SSR suffers from grave shortfalls, both in conceptual and broader theoretical terms. Conceptually, the notion of SSR has been widely discussed and written about, but rela-

²⁶ These are in particular the World Bank, the Organization for Economic Cooperation and Development (OECD), and national development ministries and agencies, primarily the United States Agency for International Development (USAID), the UK's Department for International Development (DFID), and the German Gesellschaft für Technische Zusammenarbeit (GTZ).

²⁷ See Chanaa, *Security Sector Reform*, pp. 16-27.

²⁸ See Lill, Damien/Luckham, Robert/von Tangen Page, Michael, A *Goal Oriented Approach to Governance and Security Sector Reform*, International Alert, London September 2002, p. 1.

²⁹ The concept of good governance refers to the mechanisms and arrangements through which appropriate public goods are provided for the citizens of a state in an effective and efficient manner. It consists of four elements: transparency, accountability, the effective and legitimate use of resources, and the role of civil society.

tively little consideration has been paid to the contexts of reform.³⁰ This conceptual-contextual divide becomes particularly relevant in the case of state formation.

First of all, there is no clear agreement – on both the donor and recipient levels - on what the term '*security*' actually stands for. Not unlike '*democracy*', '*security*' is very much a fluid concept with different meanings for different actors in different contexts. In recent years, there has been a shift from state-centered to human-centered approaches: the concept of '*human security*' – systematized in the 1994 United Nations Development Program (UNDP) Human Development Report – is associated with broadening the notion of security to cover not only the military or external security of states, but also the physical security of individuals and communities, i.e., protection from crime, disorder, and violence.³¹ Current policy debates on security reform, however, sometimes gloss over the underlying political factors that sustain conflict.

A second critical point, in part a legacy of the state-centered approach, is the SSR agenda's emphasis on public security institutions, i.e., institutions with an official mandate to 'produce' security. This orientation may differ greatly from the realities of the emerging-state context. Actors such as vigilant groups, civil defense forces, and private security companies, which are symptoms of the failure of state institutions to provide law and order, cannot easily be excluded from the security sector, and there are crucial questions concerning their control and regulation. Furthermore, in conflict-torn societies, the monopoly of violence is contested and becomes privatized in the hands of a range of groups outside the public domain, namely private militias, rebel movements, warlords, and criminal gangs. These actors are not part of the security sector – indeed, they are often the anti-thesis in that they frequently produce insecurity and human rights abuses in the attempt to 'produce' security for themselves. Hence, SSR cannot be thought of solely in terms of the reform of existing public structures, but also requires the demobilization of alternative non-state '*security*' actors or their reintegration into state security structures.³² Against this background,

³⁰ See Chanaa, *Security Sector Reform*, p. 61f.

³¹ This is a reflection of the changing nature of conflict, which is characterized by the structural violence of poverty and development failure, the privatization of security functions, the indiscriminate targeting of civilians, and the spread of conflicts across borders.

³² See Lilly/Luckham/von Tangen Page, *A Goal Oriented Approach*, p. 4.

the security sector is understood in this paper as including not only formal security institutions but also informal security structures, i.e., those not endowed with a legitimate role in the exercise of coercive power.

Thirdly, the security sector is generally characterized in purely national terms. It also, however, has an international dimension, primarily as a result of transnational sources of insecurity, such as the flow of financial resources and the trafficking of small arms. In addition, within emerging states, the actors striving for statehood – in particular national liberation movements – often still have an international organizational presence with its own security component.

In addition to these conceptual shortfalls, there is also a set of deeper theoretical problems that are related to the ideological underpinning of the SSR agenda. SSR is a concept with strong prescriptive connotations, with its key components – democratic and civilian oversight control³³ and effectiveness and efficiency – being, as mentioned before, theoretically and practically linked to the good governance approach. Aiming at improving the political and economic viability of developing countries, the concept of good governance compares their performance with an abstract model of a liberal democratic state within the framework of an advanced capitalist economy. The observed differences between actual governance and theoretical good governance are then used to explain political backwardness or poor economic performance. The empirical validity of this approach though, which is based on neo-liberal political and economic theory, is far from clear, as the causality implied in the model – running from anti-corruption, democracy, and economic liberalization to political and economic viability – is contrary to a significant body of historical evidence.³⁴ Yet, if the causality in fact runs *vice versa* – i.e., from state consolidation and economic development to democratization – then there is arguably little prospect for the sustainability of SSR in the context of state formation.

³³ In fact, democratic and civilian oversight are not the same things. Civilian oversight is a prerequisite - but insufficient condition - for democratic oversight, as authoritarian rule may very well include strong civilian control over the military and other security forces. Democratic oversight, however, requires the presence of rightfully elected and democratically mandated political authorities.

³⁴ See Khan, Mushtaq Husain, "Evaluating the Emerging Palestinian State: 'Good Governance' Versus 'Transformation Potential,'" in Khan, Mushtaq Husain/Giacaman, George/Amundsen, Inge (ed.), *State Formation in Palestine. Viability and Governance during a Social Transformation*. London: Routledge Curzon, 2004, pp. 13-63, pp. 16, 18-22.

Even if one does not accept this critique of the good governance approach, the linkage of the SSR agenda to democratic theory still has important implications. The ideological underpinning of SSR is clearly not some timeless idea of democracy³⁵ but a specific historical materialization, i.e., the Western liberal democratic model. However, it is important to not presume that all democracy must necessarily follow the Western design; on the contrary, wherever democracy operates, it is shaped by the historical, social, and cultural context from which it emerges. Regarding the implementation of SSR, there is nevertheless a tendency toward following a model of how state security structures have been historically arranged in Western democracies. The conceptual-contextual divide inherent in much of the current SSR debate is a direct consequence of this outlook. Transposing the Western model – albeit with modifications – to societies undergoing rapid transition, facing major economic and political constraints, and possessing weak state institutions, or even those engaged in armed conflict, does not recognize the specific contextual nature of the issue, and can therefore lead to the failure of reform.

Another problem of the SSR agenda is the danger of it becoming a vehicle for neo-colonialist policies or regime change 'through the back-door.' Deep external involvement in democratic transformation and state emergence means that there is a constant political risk of SSR serving as a cloak for the manipulation of local power structures according to Western interests. During the Cold War for example, bilateral security assistance programs were primarily designed to promote Western foreign policy goals and political stability in developing countries; assistance mechanisms consequently became associated with increased militarization, and little attention was paid to the broader questions of democracy and accountability. Current SSR efforts may run the danger of resurrecting these dependent security sector assistance relationships instead of fostering the development of partnerships that are guided by local concerns and ownership. Ultimately, the responsibility for undertaking SSR is the concern of governments and societies in the developing or transforming countries.

³⁵ Malcolm Chalmers for example states: "(...) at the heart of the SSR project as commonly understood is an acceptance of universal norms. When we talk of 'security sector reform,' we typically do not mean just any reform, but specific types of reform that move societies closer to norms that are usually quite explicit." Quote in Chanaa, *Security Sector Reform*, p. 29.

II. Reforming the Palestinian Security Sector

1. The Political Dimension

The political dimension of SSR refers to the overall political context that determines the character of SSR. Palestine as an emerging state is in many ways a unique case. As pointed out above, the Palestinian polity is best understood conceptually in terms of a political system undergoing transition from authoritarian rule to democracy. At the same time, the Palestinian scenario also comprises elements of a conflict-torn society that is subject to massive external intervention. The political dimension of SSR in the Occupied Territories is thus characterized by the juxtaposition of the domestic agenda for institutional change, internal strife over the direction of the Palestinian national movement, power struggles between individual actors, and international pressure to undercut the leadership of Arafat.

a) External Political Setting

The external political setting has been more important in the Palestinian context than in relation to virtually any other emerging or transforming state in the developing world. Historically, the Palestinian political system has been subjected to a high degree of intervention from the regional and international environment. Not surprisingly, the external setting for SSR is determined by the very agencies that have traditionally been engaged in shaping Palestinian politics. Since the outbreak of the second *Intifada*, these actors have exerted pressure of varying intensity in order to politically and institutionally reform the PNA and its security sector in accordance with their own agendas. These actors in most cases do not support the '*reformist*' agenda, advocating instead a mere restructuring of the Palestinian security forces.

i. Regional Actors and SSR: Israel, Egypt, and Jordan

Israel's objective in calling for governmental and security reform is twofold: firstly the replacement of Yasser Arafat, and secondly, the installation of a political leadership that will re-enter into security co-operation with Israel. This security cooperation, which would be under the auspices of the IDF and provide for Israeli security interests, would be similar to the cooperation involving the Palestinian security services

that was witnessed at various points in time from 1993 onward. In wider strategic terms, Israel is interested in a Palestinian regime that will accept a final status scenario on Israeli terms: a territorially fragmented entity in the Occupied Territories, which can be labeled a '*state*', but which leaves the Israeli infrastructure in the West Bank – settlements, bypass roads, and military installations – in place.³⁶ Since the beginning of the second *Intifada*, Israel has therefore pursued a strategy of incapacitating the PNA and weakening the morale of the Palestinian population and hence its ability to sustain the uprising. This policy – which intensified after Ariel Sharon (Likud Party) succeeded Ehud Barak (Labor Party) as prime minister in June 2001 – entailed the full reoccupation of most of the West Bank and the Gaza Strip including the so-called Area A,³⁷ the systematic destruction of the PNA civilian infrastructure, and the dismantling of the Palestinian security apparatus.³⁸

The two other regional actors advocating a reform of the PNA security structure are Egypt and Jordan. Both have been active in providing training and technical assistance to Palestinian police and intelligence forces since 1993, and they have also been assigned a role in providing 'outside oversight' for the rebuilding of the Palestinian security apparatus under the 'Road Map'.³⁹ Egypt plays a particularly significant

³⁶ Shoval, Zalman, *Sharon's Disengagement Plan: A Likud Perspective*, Washington Institute for Near East Policy (WINEP) Peacewatch No. 462, 14 June 2004; "Top PM Aide: Gaza Plan Aims to Freeze the Peace Process," *Ha'aretz*, 6 October 2004.

³⁷ Area A refers to the densely populated urban areas of the West Bank (comprising about three percent of its territory) where the PNA enjoyed explicit jurisdiction under the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip (Oslo II) of 1995.

³⁸ The Israeli attacks deliberately targeted both Palestinian security installations and civilian institutions, among them PLC offices, the Ministries of Education, Finance, Agriculture, Trade and Industry, municipal buildings, chambers of commerce, and media facilities. Amidst continuing minor incursions, arrest operations, and targeted assassinations, the PNA has also been affected by the large-scale operations 'Journey of Colors' (26 February-15 March 2002), 'Defensive Shield' (29 March-28 April 2002), and 'Determined Path' (19 June-3 July 2002).

³⁹ Egypt and Jordan are part of the US-led 'Permanent Security Committee,' an on-the-ground planning and negotiation body that was formed by the US administration in order to deal with structural reform among the Palestinian security forces. Together with Saudi Arabia, Egypt and Jordan also participate in the International Task Force on Palestinian Reform (ITF), a framework formed by the Quartet in 2002 in order to engage the key Arab state actors under the

third-party role in the security field: on the technical level, it was engaged in the international efforts of 2002 and 2003 to broker a ceasefire between militant Palestinian factions, while on the political level, it has become increasingly involved since the beginning of 2004 in the context of the Israeli 'Disengagement Plan' for Gaza,⁴⁰ where according to Israel and the US it should have a clear security role.⁴¹ The Egyptian role is based on the twin objectives of satisfying Israeli security needs on the Gaza-Egypt border and helping to improve Palestinian security by restructuring and rehabilitating the Palestinian security forces in Gaza to enable the PNA to prevent individuals and groups from engaging in violence against Israel. In this context, the Egyptian Government has repeatedly issued proposals for regrouping the numerous Palestinian security agencies along a three-tiered model of police, intelligence, and army. As of September 2004, it is unclear if the Egyptian involvement will also extend to an on-the-ground-presence. However, the Egyptian offer to intervene in Gaza is not motivated by the objective of democratizing the PNA security sector but rather by concerns regarding internal political stability: the Egyptian Government fears that a post-'disengagement' security vacuum in Gaza would prompt a takeover by Hamas, which would in turn strengthen the Islamist movement in Egypt and possibly threaten the regime in Cairo.⁴²

umbrella of the 'Road Map' (plus Norway as secretary of the international donor community).

⁴⁰ The 'Disengagement Plan' was put forward by the Israeli Government in April 2004 and (in the version adopted by the Israeli Cabinet in June 2004) envisions a unilateral withdrawal of all settlers and military personnel from the Gaza Strip and the possible evacuation of four isolated settlements in the northern West Bank. As of September 2004, a concrete and binding timeframe has yet to be issued.

⁴¹ However, whereas the Palestinians have always welcomed the Egyptian technical assistance, Egypt's possible political involvement has been perceived with suspicion. The Palestinian leadership remembers very well the Egyptian administration of the Gaza Strip (1948-1967), not to speak of the growing alarm with which Hamas has been watching the recent crackdown ordered by Cairo against the Muslim Brotherhood. Yet, 57 percent of the Palestinians support the sending of Egyptian security trainers and personnel. PCPSR, *Press Release Poll No. 13*.

⁴² Besides this factor, Egypt also considers its growing security involvement a means of gaining US support at a time when it cannot satisfy American demands for institutional and human rights reforms. Another motivation is the Egyptian aspiration of reasserting its traditional inter-Arab leadership role at a time when the US occupation of Iraq has shattered any pretension on the part of the Arab World regarding its being in regional control. See Alpher, Yossi,

Jordan, in contrast, perceives no similar danger to security and stability emanating from the West Bank, given that Israel is not planning to withdraw from the area and Palestinian Islamist actors have been rendered less influential than in Gaza.⁴³ However, Amman has a traditional interest in the West Bank because any major developments there, in particular those with the potential to lead to migration and population transfer, affect the Hashemite Kingdom; this requires a measure of Jordanian involvement. Jordan has thus played an important technical role in providing training assistance to Palestinian police personnel, having reportedly trained more than 5,000 Palestinian policemen and officers over the last ten years.⁴⁴

ii. Global Actors and SSR: US and EU

The objectives of the US when demanding a reform of the PNA are basically congruent with the Israeli position. In his speech of 24 June 2002, US President George W. Bush explicitly called for the replacement of Yasser Arafat with a new Palestinian leadership that would be willing to accept a final settlement scenario along Israel's design. According to Washington, Palestinian reform measures without the replacing of Arafat would thus not be deemed reform. The perception of the PNA as an obstructive factor was strengthened after the events of 11 September 2001 by increased sensitivity on the part of the US administration with regard to 'terrorism' as a means of political struggle and the activities of Islamist actors such as Hamas and the Palestinian Islamic Jihad (PIJ). The '*restructurist*' agenda of the US is directly reflected in the counter-'terrorism' directive of the 'Road Map,'⁴⁵

"Strategic Consequences," in *The Egyptian Role in the Disengagement Plan*, Bitterlemons.Org Edition 20, 7 June 2004 (<http://www.bitterlemons.org/previous/bl070604ed20.html#is1>).

⁴³ In addition, the Islamist movement in Jordan is politically accommodated and integrated into the Jordanian parliament.

⁴⁴ The continuation of this training assistance was agreed upon between King Abdullah II and the Palestinian Prime Minister Ahmed Qrei'a in June 2004. Alpher, Yossi, "An Understandably Reluctant Partner," in *A Possible Jordanian Role*, Bitterlemons.Org Edition 24, 5 July 2004 (<http://www.bitterlemons.org/previous/bl050704ed24.html>).

⁴⁵ The 'Road Map' makes a specific and immediate call for "restructured and effective Palestinian security services." Furthermore, the PNA must "undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere." The PNA is also obliged to dismantle the capability and infrastructure of paramilitary groups through weapon confiscation and arrests. Although the 'Road Map' also

which itself is based on previous American initiatives such as the Mitchell Report and the Tenet work-plan.⁴⁶ Here, the US has the role of providing large-scale assistance to the Palestinian security sector with a focus on preventive security and counter-'terrorism' work.⁴⁷ According to the American conceptual understanding of SSR, there is a need to streamline the Palestinian internal security agencies and implement a clear chain of command, with the aim of creating conditions for the effective control of violent Palestinian factions and the Palestinian 'street' by a post-Arafat leadership.⁴⁸

The objectives of the EU and its member states are different from the aims of the other external actors and fall in line with the '*reformist*'

contains elements of institution building – the appointment of an 'empowered' Palestinian prime minister, the drafting of a constitution etc. – it does interestingly not make any explicit calls for the democratic transformation of the security sector. See International Crisis Group (ICG), *A Middle East Road Map to Where?*, Middle East Report No. 14, Amman/Washington, 2 May 2003, p. 2.

⁴⁶ The Mitchell Report, issued in May 2001, attempted to lay out a political framework for the resuming of negotiations between Israel and the Palestinians by obliging the PNA to stop violence and Israel to freeze its settlement activities. The Tenet work-plan, released in June 2001, was a technical initiative that focused primarily on a ceasefire as well as the resumption of security cooperation between the two sides to which senior Central Intelligence Agency (CIA) officials would be a party.

⁴⁷ Interview, 30 July 2004, Jerusalem. US monitoring and assistance efforts on the ground focus on the 'Permanent Security Committee' and other bilateral US/Palestinian ad-hoc security committees. The central US agency here is the CIA which since the 1998 Wye Plantation negotiations has assisted and financed the Palestinian intelligence apparatus, in particular the Preventive Security. This assistance included training in infiltrating militant groups, clandestine communication, interrogation methods, computer technology, and intelligence processing, as well as the monitoring of interrogations and the sharing of intelligence on Islamist groups between the CIA and the various Israeli intelligence departments. (See Klovens, Dean, "The CIA's Role in the Peace Process," in *Middle East Intelligence Bulletin*, Vol. 3 (2001) No. 1, http://www.meib.org/articles/0101_ip1.htm). In 2002, CIA Director George Tenet drafted a plan to unify the various Palestinian security agencies, which would be trained and supervised by Egyptian, Jordanian, and Saudi Arabian security personnel (Kurz, Anat, "The Institutional Regression of the Palestinian Authority," in *Strategic Assessment*, Vol. 5 (2002) No. 3, pp. 1-11, p. 4.) However, the CIA presence in the Occupied Territories reportedly came to an end following the killing of three CIA officials in Gaza in October 2003. Interview, 26 July 2004, Jerusalem.

⁴⁸ See Baskin, Gershon, *A Note about Reforms*, Israel-Palestine Center for Research and Information (IPCRI), 2002 (<http://www.ipcri.org/files/reforms.html>).

agenda. European actors are less concerned with a change of the Palestinian political leadership than with reforms at the administrative level, where they advocate the creation of transparent and professional structures of governance. Drawing on an economy-oriented approach, the EU puts great emphasis on efficient tax collection, the proper use of donor grants, streamlined mechanisms for public allocations, and the reduction of corruption. These objectives reflect the EU's position as the main financial donor to the Palestinians,⁴⁹ which itself is based on the larger policy goal of a two-state solution including a viable and democratic Palestinian state. Although the bulk of its activity is concentrated on administrative reform, the EU has also been involved in the security field.⁵⁰ At present however, the main European actor engaged in Palestinian SSR is the United Kingdom (UK). Though the British reform agenda is also tied to the counter-'terrorist' rationale of the 'Road Map,' the UK is simultaneously also engaged on a wider institutional level with respect to all areas of PNA security provision, i.e., police, intelligence, and army components.⁵¹ UK assistance has increased since the beginning of 2004 and focuses on personnel training – on both the tactical and strategic levels –, capacity-building, and material assistance, with a significant number of advisors on the ground.

⁴⁹ Since the beginning of the *Intifada*, EU assistance has reflected a mix of emergency support, more medium-term institution building measures, and technical support to the reform process. Together with Norway, the EU co-chairs meetings of the Ad-Hoc Liaison Committee for Assistance to the Palestinians (AHLC), which is the international donor coordination mechanism. Assistance to the Palestinians from the European Community Budget is set to amount to around 250 million Euro in 2004 (http://europa.eu.int/comm/external_relations/gaza/news/ip04_1001.htm).

⁵⁰ During the Oslo years, European assistance to the Palestinian security forces amounted to 11 million Euro per year, with the bulk of training then focused on counter-'terrorism.' After the outbreak of the *Intifada*, the EU temporarily established an informal conflict resolution team – the EU Informal Group – which dealt with micro-security issues on the Palestinian side, including the organizing and promoting of ceasefire talks. Besides that, the EU is permanently present on the ground with its European Commission Technical Assistance Office (ECTAO), which in some cases has also provided training for Palestinian security personnel. Interview, 26 July 2004, Jerusalem.

⁵¹ See Milton-Edwards, Beverley, *Gaza Withdrawal and the Security Quagmire*, Royal United Services Institute (RUSI) Newsbrief, June 2004.

b) Internal Political Setting

The internal political context for reforming the Palestinian security sector is determined by three factors: (1) the power structure of the PNA, (2) its political legitimacy, and (3) the strategic priorities of the key security actors.

i. Power Structure of the PNA

The term '*power structure*' refers to the decision-making and governing system of the PNA. Conceptually, the SSR agenda requires the presence of democratically elected officials who can cooperate, discuss, and reach an agreement on the direction of SSR - not only among themselves, but also regionally and internationally – and who are able to exercise control and oversight.⁵² However, the PNA's power structure features non-formal 'personalistic' rule coexisting with formal democratic arrangements, pointing towards contradictory tendencies within the nascent political system.

On the one hand, the rudimentary Palestinian state has developed a formal state structure, consisting of a presidency, dozens of ministries and other executive bodies, as well as a judiciary and an elected legislative body. The institutional set-up obtained a constitutional basis with the Palestinian Basic Law enacted in May 2002. The Basic Law provides for a strong concentration of authority in the hands of the Executive and the president.⁵³ Presidential powers are to be checked by the PLC, which is empowered with the authority to enact laws, guide public policy, and supervise the Executive, as well as the Judiciary, especially the constitutional and administrative courts.

⁵² Chanaa, *Security Sector Reform*, p. 34.

⁵³ The structure of the executive branch is rather intricate because of a direct overlap of PNA and Palestine Liberation Organization (PLO) institutions. Whereas on the one hand there is the PLC and the Executive Authority of the PNA, there is at the same time the Palestine National Council (PNC, the PLO parliament-in-exile) and the PLO Executive Committee. The PNA Cabinet and the PLO Executive Committee are hardly distinguishable and largely overlapping in terms of membership and functions. Furthermore, there is the so-called '*Palestinian Leadership*,' a loosely defined group of PLO and PNA officials with the task of handling the negotiations with Israel as well as dealing with internal affairs in crisis management style. See Amundsen, Inge/Ezbidi, Basem, "PNA Political Institutions and the Future of State Formation," in Khan, *State Formation*, pp. 141-168, p. 144.

The actual power structure in the Occupied Territories, however, is non-formal and exhibits strong authoritarian and neo-patrimonial features.⁵⁴ There are three components of this "alternative constitutional order"⁵⁵ of the PNA. First, the Palestinian political system operates by virtue of the almost unrestricted centralization of power in the hands of Yasser Arafat. All decisions, both internal and external, are made exclusively by Arafat; political, economic, and security issues are completely subject to his direct authority and supervision.⁵⁶ Secondly, presidential control is maintained through a regime of surveillance and intimidation imposed by the security apparatus. Third, political influence is exerted by the presidency through the top-down distribution of wealth – in particular direct financial support and employment – and the reliance on personal relationships based on political and individual loyalty.⁵⁷ The authoritarian and neo-patrimonial dimensions of Arafat's rule have been weakened in the course of the second *Intifada* through the Israeli destruction of Palestinian coercive capacities, the increasing

⁵⁴ The concept of neo-patrimonialism refers to a type of system where legitimacy, state authority, and influence of the ruler are maintained by the manipulation of material incentives. The key characteristic is the personalization of power, which prompts three important political effects: formal rules are less important than informal rules, the leader and his clients dominate politics operating through patron-client relations, and corruption is systemic due to the absence of control of the supreme power. For a profound critique of the approach see Khan, "Evaluating the Emerging Palestinian State," pp. 23-24.

⁵⁵ Brown, Nathan J., *Palestinian Politics after the Oslo Accords. Resuming Arab Palestine*. London and Berkeley, CA: University of California Press, 2003, pp. 82-83.

⁵⁶ In fact, the very laws that govern the issuing of new laws were issued directly by the president. All three legislative enactments that established the internal legal framework for the PNA – Decision No. 1 (1994), affirming the continued applicability of the pre-1967 legal framework, Law No. 4 (1995) on the legislative process, and Law No. 5 (1995), transferring authority to the PNA institutions – were issued by Arafat without the approval of any body (citing only "the authority vested in him" and the "requirements of the public interest"). It was these three enactments that were used to justify many subsequent decrees and decisions. In other words, the legal framework for the PNA is, according to these texts, nothing but a product of presidential will and authority. See Brown, *Palestinian Politics*, p. 50, pp. 70-79.

⁵⁷ The PNA institutions came to be manned initially by people with strong personal loyalty to and dependence on the President and the PLO, i.e., individuals that had been under the political and 'military' command of Arafat. Many of these people had been in exile for years and came to be called 'returnees.'

scarcity of wealth,⁵⁸ and the disruption of patron-client networks; however, 'personalistic' rule – with Arafat in 2004 relying increasingly on the Palestinian nationalist discourse and his leadership charisma – is still the main feature of the Palestinian political system.⁵⁹

ii. Political Legitimacy of the PNA

The SSR agenda also postulates the necessity of the semblance of state legitimacy. However, in the Palestinian context the political legitimacy of the PNA is yet to be consolidated internally and internationally, with those governing still fighting to achieve statehood and recognition.

The PNA derives its legitimacy from the Oslo Accords, and it can be characterized as a transitional regime designed primarily to meet external, i.e., Israeli, needs. The Israeli objective when entering the Oslo process was to transform the PLO into a set of institutional arrangements that would function as Israel's proxy in policing the Palestinians, thereby guaranteeing Israeli security. Against this backdrop, the PNA never enjoyed full support among the Palestinian populace: it faced political opposition from intellectuals and political leaders in the Occupied Territories as well as organized resistance from actors such as Hamas, the PIJ, the leftist Popular Front for the Liberation of Palestine (PFLP), and the Democratic Front for the Liberation of Palestine (DFLP). During the Oslo years, the PNA's legitimacy became increasingly tarnished by the failure of the PNA to materialize the economic dividends of the 'peace process'; other factors were the endemic patterns of corruption, internal repression,⁶⁰ and the leadership's disdain for democratic processes and the rule of law. The PNA's security forces played a major role in this context by clamping down on the political opposition and committing various human rights violations.

Legitimacy was dramatically eroded during the *Intifada*, as the PNA proved itself unable to either properly manage the conflict or protect

⁵⁸ Arafat's capacity to allocate funds has been cut down significantly since the public finance reform of June 2002 and the appointment of an 'empowered' finance minister.

⁵⁹ See Badawi, Ahmed, "Policy Failure, Power Relations, and the Dynamics of Elite Change in Palestine," in *Orient*, No. 4 2003, pp. 555-577, p. 556-560.

⁶⁰ In comparable terms, the level of internal repression exerted by the PNA was however much lower than in most other countries in the region.

the Palestinian population against Israeli violence. The vacuum created by the PNA's loss of legitimacy and administrative disintegration has been increasingly filled by new localized, virtually autonomous authorities; these authorities are based on local kinship groups or individual power barons,⁶¹ which has created an overall environment of fragmentation, decline of central control, and in some areas, simple chaos.⁶² At the same time, it has brought an increase of power and influence of Islamist actors, especially in Gaza where Hamas has for the most part assumed the administrative functions of the PNA.⁶³ In addition, Fateh factions and the Palestinian 'opposition' movements have drawn increasingly close in operational terms over the last few years. In 2004, the PNA is thus in many ways an "authority that does not enjoy authority."⁶⁴

⁶¹ Somewhat ironically, Arafat's diminished authority has at the same time strengthened the role of the local governors who were basically powerless during the Oslo years. Their current position as the primary local source of formal authority is due to their intimate knowledge of local conditions and their access to higher PNA echelons. See International Crisis Group (ICG), *Who Governs the West Bank? Palestinian Administration under Israeli Occupation*, Middle East Report No. 32, Amman/Washington, 28 September 2004, p. 11.

⁶² In addition, the IDF has gradually assumed civil functions in relation to the Palestinian population. The infrastructure of the District Coordination Offices (DCOs) throughout the Occupied Territories, which previously regulated cooperation and coordination between the PNA and the IDF on security-related matters, was abolished in 2003. The IDF has extracted the DCO resources and manpower in order to implement a new system of civil administration management, treating each city within the West Bank (with the exception of Jericho and East Jerusalem) as a separate microcosm. Jericho is also an exception in that it has evaded reoccupation and the destruction of its security infrastructure and it therefore serves as a 'safe haven' for Palestinian security personnel. Chopra, Jara/McCallum, Jim/Atallah, Amad/Dajani, Yasser/Gal, Orit/Peters, Joel, *Planning Considerations for International Involvement in the Israeli-Palestinian Conflict: Part II*, Unpublished Paper for Workshop 'Third-Party Role,' hosted by Panorama Center (Palestinian Center for the Dissemination of Democracy and Community Development) and the Canadian Government, Ramallah, April 2003, p. 2.

⁶³ According to the PCPSR, Hamas commands the support of 24 percent of the Palestinian electorate in both Gaza and the West Bank, with Yasser Arafat's Fateh movement commanding 28 percent. Likewise, only 25 percent of the Palestinians believe that the PNA has the capacity to control the situation in Gaza after an Israeli withdrawal. PCPSR, *Press Release Poll No 13*.

⁶⁴ Abbas Zaki, Fateh Central Committee Member, quoted in ICG, *Who governs the West Bank?*, p. 2.

Regarding the security sector, such a development has translated into the undermining of the principle of police primacy. In the light of the emergence of significant armed elements among many Palestinian factions and the PNA's concurrent loss of the monopoly of legitimate force, an increasing percentage of the Palestinian population is no longer convinced that individual safety and security is guaranteed by the security agencies of the PNA.⁶⁵ Moreover, many of the most senior figures in the Palestinian security services are reviled and distrusted; a major part of the population sees the security forces not as neutral upholders of law and order, but instead as being subject to the increasing control of local chiefs or 'warlords.' Palestinians are hence less likely to rely on the security agencies than they are on their own social and political networks.⁶⁶

iii. Strategic Priorities of Key Security Actors

The strategic priorities of key security actors are the primary factors that influence the security decisions made by those exerting power, either through state governance or by controlling formal or informal security apparatuses. Here the context for SSR is determined by the reform priorities of the elite members and the power relations between them.

However, due to the complexity and fluidity of Palestinian politics it is difficult to establish a coherent structural picture of the Palestinian elite. One possible approach is to categorize the elite members as individuals within organizations or institutions within coalitions.⁶⁷ According to this perspective, there are currently three coalitions in the Occupied Territories: (1) the *radical coalition*, (2) the *reform coalition*, and (3) the *ruling coalition*. Each of these coalitions has a relative degree of influence in Palestinian society, and there are ideological and distributional conflicts and cooperation both within and between them.

⁶⁵ During the Oslo years, the security forces were at least considered partly effective in preventing crime and prosecuting criminals, even if merely on account of their personnel strength and extensive deployment. As of 2004, however, 86 percent of the Palestinian citizenry perceives that individual security and safety is not assured. PCPSR, *Press Release Poll No. 13*.

⁶⁶ See Milton-Edwards, *Gaza Withdrawal*.

⁶⁷ See Badawi, "Policy Failure." pp. 564-567.

- (1) The *radical coalition* is located outside the formal institutional framework of the PNA. It rejects the Oslo Accords and does not accept peace with Israel, although it does accept a truce.⁶⁸ The relative influence of the *radical coalition* derives from two key factors: its religious discourse and the actions of its Israeli counterpart. Since late 2000, the key organizations of the coalition, Hamas and the PIJ, have operated on the basis of the Committee of National and Islamic Forces (NIF); this is a cross-factional body – originally established by Fateh to coordinate the second *Intifada* – which has acquired a central role at the local level with the waning of the PNA's authority. Members of the *radical coalition* do not compete with members of the other coalitions over the dividends of 'peace,' but rather over the strategic direction of future policy. Hamas and the PIJ are thus currently outside the scope of the SSR discourse. However, a possible political accommodation of Hamas by the PNA in the run-up to the Israeli 'disengagement' from Gaza might raise the question of integrating the armed elements of Hamas and the PIJ into the Palestinian security apparatus.⁶⁹
- (2) The *reform coalition* typically includes the most highly educated members of the Palestinian political elite, and significantly originates mainly from the Occupied Territories, unlike the *ruling coalition*, which consists mainly of 'outsiders,' i.e., PLO returnees. Almost all of its members control independent formal organizations that are part of the Palestinian NGO network; some are members of the PLC. Key individuals include Haidar Abdul-Shafi, Hanan Ashrawi, Azmi Shuaibi, and Ziad Abu Amr. Since 1994, there has been competition between the *reform coalition* and the *ruling coalition* over the distribution of external resources and the shape of

⁶⁸ Hamas has also declared that it will cease all military operations against Israelis in and from Gaza upon a full Israeli withdrawal.

⁶⁹ See ICG, *The Meanings of Palestinian Reform*, Middle East Briefing, 12 November 2002, Amman/Washington, pp. 8-11; Badawi, "Policy Failure," p. 564. During the Oslo years, relations between Hamas and the PNA security forces were extremely tense, especially with regard to the Preventive Security of Mohammed Dahlan who advocated the neutralization of the Islamist movement. Since the publication of the Israeli 'Disengagement Plan' in Spring 2004, Hamas has undertaken systematic efforts to prevent Dahlan from emerging as the major political figure in post-withdrawal Gaza. Hamas and PIJ members have also increasingly entered the ranks of the security forces (reportedly except for the Preventive Security) over the last three years. Interviews, 1/2/4 August 2004, Ramallah.

internal and external policies. Members of this coalition derive influence from a set of interrelated factors, such as their ability to influence policy-making on the national level (through being a minister, a PLC member, or being close to Arafat), their ability to communicate with Western donors, and the size of their organizations.⁷⁰ However, the fragmentation of the coalition's constituency has resulted in a rather modest relative influence overall. In terms of its political outlook, the *reform coalition* advocates the conventional elements of democracy, rule of law, and good governance,⁷¹ and its members are among the strongest proponents of the 'reformist' *SSR agenda*.

- (3) The most powerful coalition is the *ruling coalition*, which centers on the PNA and overlaps with Fateh including various formal and informal organizational elements of Fateh such as the Tanzim.⁷² Members of this coalition hold the key positions in the PNA's institutional structure and represent the majority in the PLC. There is also a considerable overlap of functions and positions: one individual may at varying stages (or at the same time) be a PNA official, head of a security apparatus, and a Fateh leader. The structure of the coalition is hierarchical, with the position of an organization, at least until 2002, determined by the amount of resources allocated to it from the funds controlled by Arafat as well as the relative influence of individual members, the latter being determined either by their proximity to the president or their positions in the hierarchies of their organizations, which is mostly also determined by Arafat.

⁷⁰ ICG, *Meanings of Reform*, p. 8; Badawi, "Policy Failure," p. 563.

⁷¹ These include electoral reform and the conducting of delayed legislative and municipal elections, the expansion of political and civil rights, the separation of governmental powers, the strengthening of the legislative and judiciary branches, and the financial transparency of public institutions and the accountability of their officials.

⁷² During the second *Intifada*, the Tanzim structure has been partially used as a framework for mobilizing armed activities outside the Palestinian security forces. However, the Tanzim are *not* a militia or the military wing of Fateh, although they are often portrayed in the media as such; the Tanzim are the local party structure of Fateh, consisting of party cadres on the municipal and village level.

The key constituency of the *ruling coalition* is the Fateh movement. Fateh is of special importance in the SSR context due to the simultaneous performance of many key security actors as Fateh cadres as well as Fateh's hegemonic position in the PLC. The power structure of Fateh is made up of three circles of influence.⁷³ The core circle consists of the Fateh 'old guard,' which comprises individuals such as Mahmoud Abbas (Abu Mazen), Ahmed Qrei'a (Abu Ala'), Hani Al-Hassan, and other members of the Fateh Central Committee.⁷⁴ The second circle includes Fateh's 'young guard,' leaders such as Jibril Rajoub, Mohammed Dahlan, and Marwan Barghouthi, who are all members of the Fateh Revolutionary Council.⁷⁵ They can be described as the disgruntled leaders of the first *Intifada* who feel themselves marginalized by the PLO and the PNA leadership; they command significant influence within some security branches and with their former street fighter compatriots. Also belonging to this second circle are individuals like Qadura Faris and Mohammed Hourani – PLC members representing Ramallah and Hebron – and Samir Masharawi – Dahlan's Fateh ally in Gaza –, whose positions are very close to the *reform coalition*. These are the emerging leaders of Fateh and its backbone. The third circle comprises a younger generation, who can be referred to as 'young activists.' They are active in the Tanzim and constitute the core of the Al-Aqsa Martyrs Brigades.⁷⁶ However, the hostile political environment since 2000, the damaged proto-state infrastructure, and the worsening economic situation have all limited the core circle's ability to reassert its authority over the two other circles. Defections from the *ruling coalition* are thus likely to increase.

Within the *ruling coalition*, there exist various conflict lines between 'insiders' and 'outsiders,' 'young' and 'old guard,' and 'Fateh reformers' and 'loyalists.' In terms of reform priorities, there are different understandings of SSR held by different individuals in different organizations, ranging from support of the 'reformist' agenda to outright opposition to SSR. In terms of power relations however, all key security

⁷³ See Badawi, "Policy Failure," p. 568.

⁷⁴ The Fateh Central Committee is Fateh's supreme institution representing its historic leadership.

⁷⁵ More importantly, Marwan Barghouthi is also a founding member of the Fateh Higher Movement Committee, a Fateh opposition structure created in the early 1990s. It consists of many younger leaders of the first *Intifada* and is considered the rival of the Fateh Central Committee.

⁷⁶ See Badawi, "Policy Failure," p. 568.

actors aim at consolidating and enhancing their relative power position.

The linchpin of the *ruling coalition* is Yasser Arafat, and he is the formal and informal head of all PNA security forces.⁷⁷ As one of the central pillars of his power, Arafat governs the security sector by employing a '*divide and rule*' strategy; this is based on the creation of different security bodies with overlapping or parallel functions and the instigation of competition between the security chiefs, with Arafat serving as the final arbiter.⁷⁸ This *modus operandi* dates back to the 1970s, when Arafat intentionally scattered Palestinian military units and armed groups in various Arab countries, fostering conflict between them in order to safeguard his hegemonic position in the PLO. The consequence is an extreme politicization of the Palestinian security sector.

In the wake of the reoccupation of the West Bank and growing internal and external pressure for administrative reform in Spring 2002,⁷⁹ Arafat for the first time agreed to a structural reorganization of the security sector. Key elements were the appointment of an interior minister and the formal unification of three internal security agencies under the minister's control.⁸⁰ Arafat also dismissed individuals in the Palestinian security establishment who had autonomous power bases and a degree of popular support making them capable of challenging his rule such as Mohammed Dahlan and Jibril Rajoub. Although these steps were being framed in a reform discourse and were formulated as part of the '*100 Days Plan*',⁸¹ they were in fact a preemptive move by

⁷⁷ Since the fifth session of the PNC in Cairo 1969, Yasser Arafat has occupied the position of the supreme commander of the Palestinian armed forces.

⁷⁸ A common habit of Arafat in this regard is to send out one order simultaneously to a large number of security chiefs, leaving them competing for execution.

⁷⁹ After Operation '*Defensive Shield*,' a new demand for institutional reform came from the Palestinian public as well as the PLC, senior advisors to the president, and the Fateh Central Committee and Revolutionary Council. The latter confronted Arafat with a specific list of reform issues in April and May 2002. External actors then presented their own list of demands in June 2002.

⁸⁰ The post was given to Abdul-Razeq Al-Yahya, a former commander of the exiled Palestine Liberation Army (PLA). PNA Ministerial Reform Committee, Reform Coordination Support Unit, *Overview of Palestinian Governmental Reform*, June 2002–February 2003, 16 February 2003, p. 3.

⁸¹ The '*100 Days Plan*,' adopted in June 2002, also included Arafat's ratification of the Basic Law (which had been awaiting his signature since 1997), a reshuf-

Arafat to secure his power position, giving him the opportunity to remove overly powerful security heads and protect incompetent or venal *Yoyalists*.⁸² The objective of power preservation was also behind Arafat's resistance to the creation of the post of Palestinian prime minister, a step that had been advocated among members of the *ruling coalition* since Summer 2002. This initiative was meant to loosen the president's grip on the security forces by removing his control over the Cabinet; it was perceived and opposed by Arafat as a direct challenge to his authority. Although the position of the PNA prime minister was finally established in March 2003, Arafat has continued to prevent the appointees (Abu Mazen from March to October 2003, Abu Ala' from October 2003 to the present) from gaining effective powers in the security domain.⁸² Reforming the security sector is thus not on the agenda of the president.

Within Fateh, the picture of strategic priorities is more complex. Three trends can be distinguished: (a) '*Fateh reorganizers*', (b) '*Fateh reformers*', and (c) Arafat's *Yoyalists*.⁸³

- (a) '*Fateh reorganizers*' advocate a further restructuring of the security sector. They include many members of the Fateh Central Committee and Revolutionary Council, such as Abu Mazen, Abu Ala', Nabil Amr, Nabil Sha'ath, and Mohammed Dahlan. These individuals were at the forefront of the mounting pressure on Arafat to appoint a prime minister, and they are still the most important proponents of PNA administrative reform. Their reform agenda is based on the rationale that the PNA should establish a monopoly on the use of force and govern the population through hegemonic, stable, and credible institutions; by doing so, it should regain international legitimacy and pave the way for the resumption of security cooperation and political negotiations with Israel. The key objective of these individuals regarding the security sector is

file of the Cabinet, financial reforms, and the announcement of elections for the Executive and Legislative for 2003.

⁸² According to the Amended Basic Law, ratified by the PLC in March 2003, the prime minister is nominated by the president and the nomination approved by the Legislative. He is the senior official responsible for the formulation of the PNA governance policies and the supervision of PNA institutions and agencies including ministries implementing these policies. In the security realm, the prime minister is responsible for "internal security and public order," while the president retains responsibility for national security. Art. 45, Art. 63-79, Amended Basic Law, 18 March 2003 (<http://muqtafi.birzeit.edu/mainleg/14138.htm>).

the establishment of a single command with uncontested responsibility for all security forces; this demand overlaps with the '*re-structurist*' agenda of the US, and numerous talks have been held between '*Fateh reorganizers*' and representatives of the Israeli Government and the Bush administration. However, it is unclear to what extent these actors – especially the former security chiefs among them – also support the strengthening of civil-democratic oversight, in particular because members of the '*young guard*' such as Dahlan and Rajoub are equally motivated by their personal power ambitions.

- (b) '*Fateh reformers*' are Fateh members of the second circle who are at the same PLC members and often join forces with members of the *reform coalition*. It was against this background, for instance, that in September 2002 the PLC's Fateh majority refused to ratify the government formed by Arafat, forcing him to appoint a second cabinet in less than four months. This group, along with the *reform coalition*, strongly supports the '*reformist*' *SSR agenda*; it has repeatedly put forward concrete reform proposals to strengthen parliamentary oversight and control over the security sector.
- (c) '*Loyalists*' comprise influential members of Fateh, primarily representatives of the '*old guard*' such as Hani Al-Hassan (former Interior Minister and member of the Central Committee), Hakam Balawi (Interior Minister in the Abu Ala' cabinet), Sakhr Habash (Member of the Fateh Central Committee and appointed supreme leader of Fateh in the PNA in 1997), and Tayyeb Abdul-Rahim (Secretary General of the Presidency), who oppose the changes demanded by the '*Fateh reformers*'. The '*loyalists*' have regularly sided with Arafat for several reasons, reasons such as their fear of losing power and privilege, their loyalty to the president, and their strategic outlook on the conflict with Israel.⁸³ These individuals have perceived the establishment of the post of prime minister as a creeping coup against their leader sponsored by foreign forces, and they have actively obstructed the formation and the work of the subsequent cabinets.⁸⁴ In strategic terms, the '*loyalists*' de-

⁸³ Interviews, 1/2/4 August 2004, Ramallah.

⁸⁴ The relative power of the '*loyalists*' became evident in April 2003 when Abu Mazen put forward the list of his first cabinet. Resenting the forced demission of Hani Al-Hassan as Interior Minister by Abu Mazen and eager to preserve control over security policy, the '*loyalists*' prevented the appointment of Mohammed Dahlan as Interior Minister. One argument was that the comparatively junior

fend the status quo of the *Intifada*: they prefer to retain open the option of Palestinian armed struggle and demand Israeli and US concessions before making any move to repress the militant factions.

With respect to the security sector itself, any sort of political categorization must be undertaken with a strong caveat. Although, as pointed out, the upper ranks of the Palestinian security establishment largely overlap with Fateh, there are no clear divisions along the line '*re-organizers*,' '*reformers*,' and '*loyalists*.' On the contrary, positions among the PNA security heads are extremely fluid. Commanders compete against each other and frequently change sides according to their relative power status and the imperatives of daily politics. Another complicating factor is that although the security bodies tend to follow the political orientations of their current (and in some cases former) heads,⁸⁵ they also encompass influential second-level commanders who pursue their own personal agendas. The strategic priorities of most key security officials are thus shaped to a greater extent by personal ambition, the battle for political power, and the fear of losing material privileges, than they are by their strategic outlook *vis-à-vis* the Palestinian-Israeli conflict. It is furthermore important to note that all the incumbent and former heads with the exception of Mohammed Dahlan and Jibril Rajoub⁸⁶ are '*outsiders*' who previously held key security positions during the exile of the PLO in Lebanon and Tunisia.

The following categorization, based on a series of interviews on the ground, reflects the approximate scenario as of Summer 2004.⁸⁷ Individuals who, broadly speaking, support a reorganization of the Palestinian security sector or even share the '*reformists*' position include for

Dahlan would be commanding security officers of higher rank and seniority. The position of Interior Minister was then taken by Abbas himself until he resigned in October 2003, and Dahlan became Minister of State for Security Affairs. Interviews, 1/2/4 August 2004, Ramallah; Jihad Al-Khazen, "Abu Mazen's Government," *Al-Hayyat Newspaper*, 16 April 2003.

⁸⁵ Mohammed Dahlan and Jibril Rajoub still exert significant influence in the Preventive Security – arguably more than their nominal heads – although they were forced to resign from their posts as heads of the Gaza and the West Bank branches in 2002. Reportedly, more than 500 agents left the West Bank branch with Rajoub in June 2002. Interviews, 1/2/4 August 2004, Jerusalem/Ramallah.

⁸⁶ However, both Dahlan and Rajoub also spent a considerable portion of their careers in Tunis after their deportation by Israel during the first *Intifada* in 1988.

⁸⁷ Interviews, 27 July, 1/2/4/6 August 2004, Jerusalem/Ramallah.

example Major General Sa'eb Al-Ajez, (since August 2004 head of the Civil Police in Gaza and the West Bank) and Major General Nasser Yousef (supreme commander of the Palestinian security forces immediately after the establishment of the PNA). Both commanders were '*loyalists*' until their relations with Arafat deteriorated. Other individuals such as Brigadier General Rashid Abu Shabak (head of the Preventive Security in Gaza) partially side with them due to their personal loyalty to Mohammed Dahlan. However, the majority of the key security officials are either '*loyalists*' or '*political opportunists*' who continuously reorientate their political support according to their ambitions. Individuals who broadly fall into the '*loyalist*' category include General Musa Arafat (the president's nephew and head of both the Military Intelligence and the National Security in Gaza),⁸⁸ General Haj Ismail Jabr (commander of the National Security in the West Bank), Brigadier General Faisal Abu Sharkh (commander of the Presidential Security), and Ribha Arafat (the former head of the Border Police and the DCO organization). Individuals who fall into the '*political opportunist*' category include for instance the head of the General Intelligence in the West Bank and Gaza, Brigadier General Amin Al-Hindi,⁸⁹ the head of the General Intelligence's West Bank branch, Brigadier General Tawfiq Tirawi, and Colonel Bashir Nafa, head of the Special Forces.

Hence, the vast majority of security commanders oppose SSR or consent to reform only insofar as the specific reform measures do not threaten their position, sometimes even by adopting the '*reformist*' discourse as a means to deflect reform demands.

⁸⁸ Amidst the civil unrest in Gaza in July 2004, Arafat originally wanted to install his nephew as head of National Security in both Gaza and the West Bank, replacing Major General Abdul-Razzeq Al-Majaideh. However, massive public protest forced the president to reappoint Al-Majaideh as the supreme commander, with his cousin at least nominally subjected to Al-Majaideh's authority. "Arafat Removes Nephew from Command of PA Security in Gaza," *Ha'aretz*, 19 July 2004.

⁸⁹ Over the last few months Al-Hindi has tended to side more with the '*Fateh reorganizers*' '*reformists*,' especially during the crisis of July 2004 when he openly criticized Arafat and cooperated with the special PLC investigation committee on security that was set up in Spring 2004. "Palestinian Inquiry Blames Yasser Arafat for Anarchy," *Ha'aretz*, 10 August 2004.

2. The Institutional Dimension

The institutional dimension of SSR refers to the organizational structure of the security sector. For the purpose of this paper, that encompasses all state institutions with a formal mandate to ensure the safety of the state and its citizens against acts of violence and coercion, as well as potential non-state elements fulfilling this role. Institutional reform focuses upon building up capacities in line with the standards assumed to be appropriate in relation to a democratic political context.⁹⁰ Key institutional elements in this regard are a clear functional differentiation between internal and external security agencies, a unified command and control structure, a transparent legal basis, civil-democratic oversight, management and control, right-sizing, the professionalization of forces, and a democratic ethos.

a) Proliferation of Security Orders

The PNA security forces⁹¹ were initially established with Israel's consent; they were designed to create a strong police presence providing for Israeli security and the countering of internal strife in the West Bank and Gaza. The provision of security was fundamental to the Oslo framework; among the seven tasks of the Palestinian police force⁹² enumerated in the Oslo II Agreement (1995), "combating terrorism and incitement to violence" was – although not obvious from the text of the accord – the most important function and the *sine qua non* for the partial relaxation of Israeli military and civilian control of Gaza and parts of the West Bank. In order to clarify the status of the security forces, Oslo II stipulated that they constitute a single and integral unit – consisting of six operation branches - under the control of the PNA.⁹³

⁹⁰ Chanaa, *Security Sector Reform*, p. 29.

⁹¹ Not included here are the armed PLO elements that still exist in the Palestinian Diaspora, i.e., PLA formations in Algeria, Egypt, Iraq, Jordan, Sudan, and Yemen.

⁹² For Israeli political convenience, the Palestinian security forces were in the Oslo Accords referred to under the term 'Palestinian Police Force,' a description that blurred the distinction between external security, internal security, and civilian police functions.

⁹³ These branches were the Civil Police, the Preventive Security, the Civil Defense, the Presidential Security, the General Intelligence, and the Public Security, with the latter including the six additional bodies of Military Intelligence, Naval Police, Aviation Police, Border Police, Customs Police, and Discipli-

The reality has been quite different. Over the past ten years, the Palestinian security sector has witnessed a process of fragmentation together with a proliferation of formal and informal security orders. This was a direct consequence of Arafat's '*divide and rule*' strategy and the strong politicization of the Palestinian security establishment. Another contributing factor was the absence of a clear security doctrine.⁹⁴ In practical terms, this has resulted in a chaotic scenario that is characterized by the absence of any clear differentiation between the various agencies, massive functional overlaps, and the blurring of the distinction between the spheres of police and military. In addition, the capacities and infrastructure of the security forces have been devastated by Israeli military operations – up to 80 percent, according to Palestinian sources⁹⁵ –, and their mobility has been reduced to zero.⁹⁶ Palestinian security forces have thus little or no ability to exercise control in the West Bank and very limited ability to do so in the Gaza Strip.

Organizationally, the current PNA security architecture comprises eight official security agencies. These function independently of each other and themselves comprise independent West Bank and Gaza

nary/Military Police. However, except for the Naval Police, these six bodies are not mentioned in the Oslo II Agreement.

⁹⁴ The absence of security doctrine reflects the lack of consensus with regard to a Palestinian concept of national security itself. Palestinian scholars who have sought to define such a concept came to different conclusions, although they began with the same basis – i.e., the assumption of asymmetry between the Palestinians and Israel in terms of status, military assets, and threat perceptions. Yezid Sayigh, for instance, believes that security can only be achieved once the Palestinians attain sovereignty and that the political dimension of security is more important than the military one. The Palestinians should thus not seek to match Israeli military capabilities, but exchange their own military capabilities for political and territorial gains. Ahmed Khalidi, on the other hand, reached the conclusion that the capacity of self-defense is an essential component of a Palestinian national security doctrine. See for a detailed elaboration Weinberger, Naomi, "The Palestinian National Security Debate," in *Journal of Palestine Studies*, Vol. 24 (1995) No. 3, pp. 16-30.

⁹⁵ Interview, 4 August 2004, Ramallah.

⁹⁶ During the last two years, members of the security agencies in the West Bank (with the exception of Bethlehem and Jericho) have not been allowed to operate in the cities and villages invaded or occupied by the IDF. Since the beginning of 2004, these restrictions have been eased in some locations such as Ramallah.

branches.⁹⁷ Each of these bodies has its own leadership and command chain, as well as its own prisons and interrogation centers. The eight official PNA security agencies are as follows: (1) Civil Police, (2) Preventive Security, (3) Civil Defense, (4) National Security, (5) Presidential Security, (6) Military Intelligence, (7) Naval Police, and (8) General Intelligence. Their remits, structure, approximate personnel strength, and capacities are described in the following:

- (1) The **Civil Police** is the main law enforcement apparatus of the PNA. Since the forced resignation of Major General Ghazi Al-Jibali by Fateh activists in July 2004, the agency has been headed by Major General Sa'eb Al-Ajez. The Civil Police handles ordinary police functions and comprises the Traffic Police, the Anti-drug Squad, the Riot or Public Order Police, and the Criminal Investigations Department. The organization employs some 18,000 policemen, with approximately 12,000 deployed in Gaza (including 3,100 Public Order policemen) and 6,000 in the West Bank (including 1,000 Public Order policemen). IDF operations have severely affected the capacities of the Civil Police. Since 2000, more than 45 police buildings and complexes together with their communication systems have been destroyed, some of them a second time after having been rebuilt with donor funds. In addition, civil policemen are prohibited from carrying firearms and until the beginning of this year were also prohibited from appearing in official uniform.⁹⁸
- (2) The **Preventive Security** is a plain-clothes internal intelligence agency with an estimated 1,500-5,000 agents.⁹⁹ The members of the Preventive Security were recruited mainly from activists of the first *Intifada* who are also members of Fateh. It has long been the largest and most powerful of the PNA's internal security bodies. The Preventive Security's West Bank and Gaza branches are headed by Brigadier General Ziad Hab Ar-Rih¹⁰⁰ and Brigadier

⁹⁷ However, parallel and separate levels of administration in Gaza and the West Bank are not a feature of the security sector alone, but also of most ministries and government agencies.

⁹⁸ Interview, 4 August 2004, Ramallah.

⁹⁹ Ibid.; Luft, Gal, "The Palestinian Security Services: Between Police and Army," in *Middle East Review of International Affairs (MERIA)*, Vol. 3 (1999) No. 2, pp. 1-16, p. 2.

¹⁰⁰ After Rajoub was forced to step down as the head of the Preventive Security in the West Bank, he was replaced by Brigadier General Zuheir Manasra, the

General Rashid Abu Shabak¹⁰¹ respectively, but as mentioned already, Jibril Rajoub and Mohammed Dahlan still command significant influence in the apparatus although they do not at this time hold any official position. Until 2000, the Preventive Security's main remit was to guard the Oslo process against internal opposition; its role includes preventive actions against armed Palestinian factions and opposition groups, especially Hamas and the PIJ, and reportedly, also information gathering in Israel. The agency has cooperated closely with the Shin Bet (the Israeli internal intelligence body) as well as the CIA, and it was reportedly assigned a major security role in the context of the Israeli 'disengagement' from Gaza. During the Israeli operations of 2002, the headquarters and installations of the Preventive Security were destroyed, and key members of the organization were arrested or assassinated.¹⁰²

- (3) The **Civil Defense** consists of emergency and rescue services and fire departments and its estimated strength ranges between 700 and 2,000 men.¹⁰³ The capacities of the Civil Defense have often proved insufficient in confronting emergency situations during the second *Intifada*. In many cases, the agency has not been prepared in terms of providing the Palestinian citizenry with adequate training and information concerning protective measures, evacuation routes, and proper conduct during Israeli bombings; additionally, it has suffered from inadequate supplies of necessary equipment and material. Shortcomings have also been evident in the area of Explosive Ordnance Disposal (EOD).¹⁰⁴

former governor of Jenin. Perceiving him as an 'outsider,' most members of the Preventive Security refused to recognize Manasra's authority and enforced the nomination of Hab Ar-Rih, who comes from inside the apparatus. According to Palestinian sources, however, "There is no real control over the Preventive Security by Hab Ar-Rih. His control is very limited. Jibril Rajoub still has a lot of power in the West Bank branch, albeit there is no one single person in the West Bank who is in total control. However, if the situation demands that, Rajoub can get back his position within a minute." Interview, 2 August 2004, Ramallah.

¹⁰¹ According to a Palestinian source, "Abu Shabak has total control over the Preventive Security in Gaza as long as he plays along the rules of Dahlan. If he turns against Dahlan, he will get rid of him." Ibid.

¹⁰² Interviews, 1/2/4 August 2004, Jerusalem/Ramallah.

¹⁰³ Interview, 26 July 2004, Jerusalem; Luft, "Palestinian Security Services," p. 2.

¹⁰⁴ Interview, 2 August 2004, Ramallah.

- (4) The **National Security** is the Palestinian '*proto-army*.' The National Security has an estimated strength of between 7,500 and 14,000 personnel.¹⁰⁵ Prior to the second *Intifada*, it was responsible for guarding the borders of Area A and for conducting joint Israeli-Palestinian security patrols. The National Security in Gaza is organized in three brigades: a northern brigade is responsible for the northern part of the Gaza Strip including Gaza City, a southern brigade for the southern region of Rafah and Khan Younis, and a border brigade of approximately 1,000 troops for patrolling the eastern border of the Gaza Strip. In the West Bank, the National Security consists of eight battalions of 400 to 450 troops each, which are deployed in Ramallah, Jenin, Tulkarem, Qalqilya, Nablus, Hebron, and Bethlehem. The National Security is essentially the successor of the PLA in exile, from which it recruited most of its personnel, gradually adding numbers of local recruits. Its supreme commander is Major General Abdul-Razzeq Al-Majaideh, with General Musa Arafat heading the Gaza Branch and General Haj Ismail Jabr the West Bank branch. According to Palestinian sources, infrastructure, equipment, and command and control systems of the National Security have been completely destroyed in the West Bank while up to 80 percent have been destroyed in Gaza.¹⁰⁶
- (5) The **Presidential Security** is responsible for the protection of President Yasser Arafat and the members of the Palestinian political establishment as well as the protection of important PNA infrastructure. The Presidential Security also has a function in terms of counter-'terrorism,' which in practice results in the arrest of opposition activists and collaborators. Until 2000, it assisted the National Security in security missions along the borders with Israel and urban patrols. The Presidential Security is based on the Force 17, the bodyguard detail of the PLO leadership in exile, which was officially disbanded in 1994; it consists mainly of officers who came to the Occupied Territories from Tunisia and recruits from the West Bank and Gaza. The Presidential Security has two subsidiary bodies: the Force 17 Intelligence Unit, which focuses on opposition movements, and the Presidential Guard, which is tasked with the personal protection of Arafat.¹⁰⁷ The agency is

¹⁰⁵ Interviews, 1/2/4 August 2004, Jerusalem/Ramallah.

¹⁰⁶ Interview, 1 August 2004, Jerusalem.

¹⁰⁷ Interviews, 1/2/4 August 2004, Jerusalem/Ramallah.

commanded by Brigadier General Faisal Abu Sharkh. There are no independent sources in relation to the strength and internal structure of the Presidential Security. Israeli sources put the strength of the agency at an estimated 2,000 troops in Gaza (divided into three battalions - one in the northern Gaza Strip, one in the southern part, and one in Gaza City) and 1,500 in the West Bank (based in Ramallah).¹⁰⁸ Bases and headquarters of the agency were largely destroyed by the IDF in 2001 and 2002.

- (6) The **Military Intelligence** has the official function of gathering information with regard to the external military environment. In reality, it mainly performs as an internal security body, with the special function of monitoring and suppressing opposition from within Fateh.¹⁰⁹ It is a comparably small force comprising some 500 to 600 plain-clothes agents and is headed by General Musa Arafat, the president's nephew.¹¹⁰
- (7) The **Naval Police** officially protects the PNA's territorial waters. The unit is deployed primarily in Gaza, where it comprises about 600 men, but it also has a presence of some 400 men in Nablus in the West Bank. The Naval Police is currently headed by Brigadier General Jawad Abu Hassan and based on the PLO's maritime component created in Lebanon. Besides naval activities, it has also been active in interrogations of opposition activists and collaborators; it was also specifically tasked with guarding the official PNA prisons during the Oslo years. The IDF has prohibited the Naval Police from conducting operations in PNA waters in Gaza and it destroyed its maritime equipment in 2001 and 2002.¹¹¹
- (8) The **General Intelligence** is the official PNA intelligence service. Its structure, organization and leadership replicate the PLO intelli-

¹⁰⁸ Luft, "Palestinian Security Services," p. 3.

¹⁰⁹ Such Fateh opposition includes for instance Barghouthi's Fateh Higher Movement Committee. Barghouthi and his followers were regularly targeted by the Military Intelligence.

¹¹⁰ Interviews, 2/4 August 2004, Ramallah. Against the background of the July 2004 upheaval in Gaza, a Palestinian source commented that "when Arafat appointed Musa as the head of National Security that was a message from him that he wanted to use this force to hit on Fateh in Gaza, and that is why the whole wave of protest erupted." Interview, 2 August 2004, Ramallah.

¹¹¹ Interviews, 2/4 August 2004, Ramallah.

gence department. The General Intelligence is involved in intelligence gathering inside and outside the Occupied Territories, counter-espionage, and anti-collaboration operations, as well as developing relations with foreign intelligence agencies. Its size is estimated at between 1,000 and 1,500 plain-clothes agents, of whom a large number worked at the PLO headquarters in Tunis prior to the establishment of the PNA. The General Intelligence is headed by Major General Amin Al-Hindi; Brigadier General Tawfiq Tirawi commands the West Bank branch. In political terms, there is a strong rivalry between the General Intelligence, which is more closely associated with the Fateh leadership, and the Preventive Security.¹¹²

Aside from these official forces, the PNA security structure also includes a series of agencies that were either created by Arafat after the Oslo II Agreement or else are nominally under control of the above agencies, but in fact operate as semi-independent bodies.¹¹³ These semi-independent security agencies include (1) Special Security, (2) Military Police, (3) Border Police, and (4) Special Forces:

- (1) The **Special Security** was formed in 1995 and works under the direct control and supervision of the president. Its official task is to monitor Palestinian opposition groups in foreign countries, particularly Arab countries, but its actual function is to monitor other PNA security agencies; it also supplies Arafat with compromising information about PNA officials such as that relating to corruption and illegal business dealings. According to Israeli sources,¹¹⁴ this agency has less than 100 agents and is headed by Mohammed Natur, a longtime Arafat loyalist and former commander of Force 17.

¹¹² Additionally, the General Intelligence was involved more directly in the second *Intifada* than the Preventive Security - which remained largely aloof - was. Ibid.

¹¹³ Not included here are the Aerial Police, which operated the PNA's small aerial component of five helicopters, the County Guard, which supplied security services to the district governors, and Security and Protection, an autonomous internal body within the National Security in the West Bank that had a riot-control and counter-intelligence role and was placed under the direct control of General Haj Ismail Jabr. All three have become defunct over the past few. Interviews, 2/4 August 2004, Ramallah

¹¹⁴ Interviews, 2/4 August 2004, Ramallah; Luft, "Palestinian Security Services," p. 3.

- (2) The **Military Police** is a subordinate body of the Military Intelligence and has the task of enforcing order and discipline among the security bodies. It also, however, engages in riot control, arrests, maintenance of prisons, and protection of PNA personnel and installations.¹¹⁵
- (3) The **Border Police** is an autonomous body subordinate to National Security. Its function is to manage the border crossings and checkpoints at the Allenby Bridge (West Bank), Erez, Karni, Sufa, and Rafah (Gaza).
- (4) The **Special Forces** are an autonomous military unit established after the creation of the Oslo II Agreement. The Special Forces are headed by Colonel Bashir Nafa and very little is known about their strength and structure. As of summer 2004, Colonel Nafa is trying to empower the role of the Special Forces by summoning Fateh dissidents and urging them to join his force, especially from among the Preventive Security in the West Bank. The Special Forces, which has not participated in any confrontation with the IDF during the second *Intifada*, are currently being rebuilt with international assistance.¹¹⁶

A third category of Palestinian security actors includes those located outside the formal Oslo framework. Since 2000, these actors have gained considerable political influence and leverage given the fragmentation of the PNA's central authority as well as the general increased militarization of the Palestinian environment. They primarily play a paramilitary role, although they have also adopted policing functions. The two most important informal actors¹¹⁷ in this regard are (1) the armed wing of Hamas and (2) the Al-Aqsa Martyrs Brigades:

¹¹⁵ Ibid.

¹¹⁶ Interviews, 1/4 August 2004, Jerusalem/Ramallah.

¹¹⁷ Other actors in this regard include the Al-Quds Brigades of the PIJ, the Salah Eddin Brigades of the Popular Resistance Committees in Gaza (which is a local umbrella structure of individual Fateh, Hamas, PIJ, and PFLP members), the *shabiba* as the youth movement of Fateh, the Martyr Abu Ali Mustafa Battalions as the armed wing of the PFLP, and the several local law-and-order groups in Nablus, Jenin, and East Jerusalem (for example the protection component formed by Faisal Husseini around the Orient House). Another form of localized informal authority are the groups of boys and young men that have emerged at IDF checkpoints in order to regulate the traffic and collect money from car drivers. Finally, there is the ominous Al-Awda Brigades, which according to Israeli sources are Hizbullah's attempt to establish an organizational presence

- (1) The **armed section of Hamas** is centered on the Martyr Izz Eddin Al-Qassam Brigades. Whilst displaying a higher level of organizational discipline than many PNA security services, it engages primarily in asymmetric warfare against Israel and in defending itself against harassment by the PNA and other Palestinian rivals. Over the past two years however it has successfully exploited the anarchical situation, particularly in Gaza, but also in Jenin and Nablus, in order to extend its power over the internal security domain, establishing and upholding order on a local basis where the PNA's authority has effectively vanished.¹¹⁸
- (2) The **Al-Aqsa Martyrs Brigades** is a loose association of Fateh-affiliated local militias and armed groups, partly from the refugee camps in Gaza and the West Bank. The Brigades were formed by Fateh cadres at the beginning of the second *Intifada* with the aim of securing public support among the Palestinians and providing a framework for those who wanted to participate militarily in the uprising. They consist of several hundred individuals – among them Fateh members, rank and file members of the PNA security agencies, and ordinary criminals -, have a low level of discipline and accountability, and are controlled by commanders as young as 18. From their creation in late 2000 until mid-2002, the Al-Aqsa Martyrs Brigades acted basically as a paramilitary formation, with largely unrestricted freedom of movement in Area A and a constant presence on the streets. Since the Israeli reoccupation of the West Bank in April 2002 however, the Brigades have been driven underground. As a consequence, they have increasingly interfered in Palestinian social and economic life: Al-Aqsa militias have assumed the function of local authorities in the Gaza refugee camps and in cut-off West Bank areas such as the cities of Nablus, Tulkarem, and Jenin, regulating security and civil affairs and dealing with conflicts, but also engaging in extortion and other illegal activities.¹¹⁹ In Gaza, in particular, many of the groups have developed into armed gangs centered on a local leader or 'warlord', examples are the Jenin Martyrs Brigades from the Al-Bureij refugee

in the West Bank. See Palti, Zohar/Levitt, Matthew, *Hizballah's West Bank Foothold*, Peacewatch No. 463, 18 June 2004.

¹¹⁸ See in detail Milton-Edwards, Beverley/Crooke, Alastair, "Elusive Ingredient: Hamas and the Peace Process," in *Journal of Palestine Studies*, Vol. 23 (2004) No. 4, pp. 1-14.

¹¹⁹ ICG, *Who Governs the West Bank?*, p. 24.

camp or the Battalions of the Martyr Ahmed Abu Ar-Riah from Khan Younis. In urban centers such as Nablus and Jenin, the two West Bank strongholds of the Al-Aqsa Brigades, there is also considerable infighting between competing factions.¹²⁰

b) Command and Control Structure

The formal Palestinian security sector is under the political and operational control of Yasser Arafat. As the president of the PNA, he is the supreme commander of all PNA security and intelligence agencies. Though in theory the different bodies are supposed to be subordinate to a Higher Council of National Security (HCNS),¹²¹ since 1994 all security forces have in practice reported directly and separately to Arafat. Beneath the supreme level, there is in fact no intermediate level of command. The only organizational structure at this level is the General Directorate of Palestinian Security Services, which is responsible for the logistic coordination and maintenance of the Palestinian security forces. It is headed by General Nasser Yousef and consists of nine administrative departments responsible for logistics, training, communication, financial affairs, and political guidance. However, the Directorate has no operational authority and is not allowed to interfere with the activities of the different agencies.¹²² Each of the security chiefs in Gaza and the West Bank receives his orders immediately from the president.

Among the various security forces, the division of labor is unclear and fragile, as are the exact duties and responsibilities. There is also a lack

¹²⁰ In Nablus for instance, there is competition between separate Al-Aqsa components from the Old City (whose emblem is crossed swords) and the Balata refugee camp (whose emblem is crossed Kalashnikov assault rifles), as well as between separate militias within the Old City. See ICG, *Who Governs the West Bank?*, p. 25.

¹²¹ The HCNS consisted of the security chiefs and the president himself. Until 2002, the formal command chain ran from the HCNS to the district governors, who are appointed by the president and nominally responsible for internal security matters. The different security bodies in the districts were supposed to report to the governors by means of local security committees. However, effective centralization of the security forces under the HCNS was hampered by the lack of clarity of rules and procedures and the fact that its mandate and responsibilities remained vague and informal. See Amundsen/Ezbidi, "Political Institutions," pp. 149-150.

¹²² Interviews, 2/4 August 2004, Ramallah.

of coordination, at times among various units within the same agency. Although there exists an assembly for joint activities between all security forces under the leadership of the National Security, this body has remained defunct in reality; when there is coordination, it usually comes about via informal communication between individual security commanders. Each security branch is also self-managing in financial terms. The result has been confusion, inefficient work, and in some cases open confrontation and street clashes when one security branch battles with a competing one over blurred jurisdictions or access to financial resources and arms. This situation is not merely a side effect of the Oslo framework or the Palestinian state-building process, but a direct and deliberate consequence of how Yasser Arafat has constructed his security forces. In this regard, inter- and intra-agency competition are built-in features of the PNA security structure that ensure Arafat's grip on power, giving him the role of the supreme arbiter and preventing individual security commanders from amassing too much power.

The command and control structure of the informal Palestinian security actors is difficult to assess. The armed sections of Hamas, mainly organized in cells, clearly have internal command chains. Yet, it is unclear to what extent the political leadership of the Islamist movement exerts operational control, especially since Israel has assassinated important political figures, such as Hamas' spiritual leader Sheikh Ahmed Yassin, his successor Abdul-Aziz Rantisi, and many military commanders.

With regard to the Al-Aqsa Martyrs Brigades, there is no real command structure at all, although US and Israeli sources often portray them as being controlled by Arafat.¹²³ By virtue of the design and circumstances of their creation, the Brigades have never established a coherent, disciplined military organization led by a unified command, implementing guidelines and decisions of a political leadership. Operational control is a function of patronage and material assistance given to a particular cash-starved Al-Aqsa faction in a region from a variety of local, national, or foreign sources. Sponsors are mostly Hamas and the

¹²³ See for instance Luft, *Clandestine Army*. Recent remarks of PNA officials such as Prime Minister Ahmed Qreia's public statement that the Al-Aqsa Brigades constitute a part of Fateh ("Palestinian PM: Al-Aqsa Martyrs are Part of Fateh," *Ha'aretz*, 23 September 2004) are more an attempt to assert authority over the militias and obtain public support than a reflection of actual control.

PIJ but in some cases also Hizbullah and reportedly Iran.¹²⁴ Hence, the Brigades have increasingly become a diffuse network of many different localized and competing militias with different levels of loyalty to different patrons.¹²⁵

Efforts to reform the structure of the formal Palestinian security sector were scarce during the Oslo years. Certain steps were undertaken by the HCNS to offer direction on operational matters and clarify the division of labor between the various security branches, particularly with respect to powers of detention and interrogation. In 1998, for instance, the HCNS drafted standardized mission statements and rules of engagement, but the president did not enact these.

Reforming the command structure of the PNA security sector became politically relevant, however, with Arafat's '*100 Days Plan*' – announced before the PLC in May 2002 as a response to the internal reform demands in the aftermath of Operation '*Defensive Shield*' – and the subsequent PNA reform plan of the newly formed Ministerial Reform Committee (MRC).¹²⁶ With regard to the security domain, the reform plan drew on conceptual input from the PLC and the Fateh Central

¹²⁴ ICG, *Who Governs the West Bank?*, p. 24f; Interviews, 2/4 August 2004, Ramallah. A Palestinian source described the pattern as follows: "Fateh people create the Kataeb [Al-Aqsa Martyrs Brigades], some of them also in the security forces, some of them not politically active prior. They get paid from Fateh and establish autonomous groups with no structure or command from anywhere. Each cell works on its own and there is no higher command, people join and leave. There are no links among groups. Some of these groups come to Fateh saying they need money for activities, printing banners, transporting people, etc. When these groups have five or ten people together, it becomes obvious for Fateh bodies or the PNA that they are Kataeb, and then they cut the money off. Then the people, for example in Jenin, switch from Kataeb to the Islamic Jihad and act in their name because from there the money flows." By most accounts, the Al-Aqsa factions relying on Islamist support have been growing consistently in 2004.

¹²⁵ Many Palestinians make a clear distinction between the '*authentic*' nationalist Al-Aqsa Brigades and the more gang-like and '*warlordist*' outfits that have emerged since mid-2002, although such a distinction is hardly supported by empirical evidence. '*Warlordist*' outfits attack Israeli targets in order to acquire sponsorship and political immunity, and '*authentic*' groups have an interest in local matters affecting their operational ability. Ibid. and ICG, *Who Governs the West Bank?*, p. 23.

¹²⁶ The MRC was created on behalf of Arafat himself and had the task of translating his '*100 Days Plan*' into a detailed reform schedule referring to the various government sectors of the PNA.

Committee and Revolutionary Council. The plan focused on the integration of all Palestinian security forces into three main bodies: the internal agencies – Preventive Security, Civil Police, and Civil Defense, as well as the Border Police – were to fall under the authority of the Interior Minister, who as a member of the Cabinet would report to the prime minister; General Intelligence and National Security as external bodies, as well as the Presidential Security, would remain under the direct control of Arafat. A re-formed HCNS, named National Security Council (NSC), would coordinate and oversee the implementation of the security reform measures under the aegis of the Interior Minister as the Council's Secretary General.¹²⁷ The logic of this '*Ministry of Interior Security Sector Reform Plan*' was to centralize command and control in the Cabinet and loosen the president's grip on the internal security bodies. In late June 2002, the Civil Police, Preventive Security and Civil Defense including their administrations, property and equipment – the Border Police remained semi-independent – were merged with a restructured Ministry of Interior and their heads replaced.¹²⁸ The new structure is officially referred to as the General Security.

However, none of this has altered the command chain in practice. Although theoretically endowed with full political and administrative control, the appointed Interior Minister, Abdul-Razzeq Al-Yahya in reality did not have any effective authority over his ministry and the agencies under his command,¹²⁹ and neither did his successors Hani

¹²⁷ *Report of the Ministerial Reform Committee*, London, 18 February 2003, pp. 18-19; Interview, 5 August 2004, Ramallah.

¹²⁸ Mohammed Dahlan, head of the Preventive Security's Gaza branch, was appointed National Security Advisor to Arafat and held the post until mid-2003; Jibril Rajoub, head of the Preventive Security's West Bank branch, was appointed Governor of Jenin and is Arafat's current National Security Advisor. Brigadier General Tawfiq Tirawi, head of General Intelligence in the West Bank was dismissed but later reinstated to his position. Major General Ghazi Al-Jibali, head of the Civil Police in Gaza and the West Bank, was appointed police affairs advisor to the president and replaced with Major Salim Al-Bardani, who was appointed '*marshal*' of the police; Al-Jibali was reinstated soon after and then replaced in July 2004 with Sa'eb Al-Ajez. Major Mahmoud Abu Marzouq resigned as head of Civil Defense and Major Omar Ashour was appointed in his place. Interview, 1 August 2004, Ramallah; Palestinian Independent Commission for Citizens' Rights (PICCR), *Eighth Annual Report*, 1 January-31 December 2002, Ramallah 2003.

¹²⁹ Soon after Al-Yahya's appointment, various elements of Fateh united in opposition to him: as far as the Central Committee was concerned, he lacked the power base to effectively restructure the security forces, while lower cadres such as in the Tanzim opposed him for his plans to dismantle local armed

Al-Hassan¹³⁰ and Hakam Balawi. In particular, all three have been unable to make any senior appointments or impose financial discipline on the security apparatus.

Furthermore, the official reform steps taken in 2002 were gradually reversed by the president in the second half of 2003. Following the resignation of the Abu Mazen cabinet in September 2003, Arafat insisted that the NSC – after having prevented its activation for more than 12 months – should temporarily assume the function of reorganizing and commanding the security forces; this would succeed under his presidency until an emergency government was established.¹³¹ Yet, when Abu Ala's emergency cabinet was finally put in place in October 2003, the NSC was neither dissolved nor functionally readjusted. On the contrary, under pressure from Arafat Abu Ala' renounced all prime minister and cabinet authority in security matters in favor of the NSC, which practically assumed the function of the Ministry of Interior.¹³² With support from the 'loyalists' in the Fateh Central Committee, the president then managed to transform this proviso into a permanent arrangement after the formation of the new regular government in November 2003: the Ministry of Interior officially lost its jurisdiction in security matters to the NSC, and Arafat ordered the heads of the Civil Police and Preventive Security to report to him immediately as the president of the Council.¹³³

factions, and the security chiefs dismissed under his tenure resented their removal. In October 2002, Arafat thus replaced him with Hani Al-Hassan. Interviews, 2/4 August 2004, Ramallah.

¹³⁰ The only major reform undertaken by Hani Al-Hassan was the official abolishment of the State Security Courts in April 2003. The State Security Courts were established in 1995 in order to try those suspected of violence against Israeli targets on behalf of the president and worked without any procedural safeguards whatsoever. However, in spite of Al-Hassan's decision these courts still continue to exist.

¹³¹ The NSC includes the president, the prime minister, the ministers of finance, interior and foreign affairs, a member of the PLO Executive Committee, and the heads of the various security forces. According to the original plan of the MRC, the NSC would not have had any direct command role. Shikaki, Khalil, *Der Nationale Sicherheitsrat*, PCPSR Working Paper No. 13, Ramallah.

¹³² In addition to that, Abu Ala' also had to do without his designated Interior Minister Nasser Yousef who refused to take the official oath before the president. Abu Ala' justified his compliance with Arafat's demands by saying that his was a temporarily limited emergency government. Interview, 5 August 2004, Ramallah.

¹³³ Shikaki, *Nationale Sicherheitsrat*. This left the Ministry of Interior with some minor responsibility in administrative, training, and financial matters.

The NSC, however, is extra-constitutional and operates without any formal procedures; instead of fulfilling its original function of reorganizing the security forces,¹³⁴ it is now Arafat's major tool for controlling the security sector. In the context of the July 2004 crisis and the temporary resignation of the prime minister and various security chiefs crisis, a new agreement has been concluded between Arafat and Abu Ala' with regard to implementing the MRC security reform plan: according to this understanding, the Ministry of Interior will finally obtain control over the internal agencies and subsequently over the General Intelligence; a new National Security command will merge and unify the '*proto-army*' elements such as National Security, Border Police, Naval Police, and Military Intelligence; and Arafat will keep the position of supreme commander and retain control of the Presidential Guard.¹³⁵ Past experiences, however suggest that one should be skeptical concerning the actual implementation of the agreement. As of October 2004, all PNA security forces still function independently of each other and report directly to Arafat.

c) Size of Forces

The proliferation of Palestinian security agencies since 1995 has gone hand in hand with a massive increase in the number of personnel employed in the security sector. Originally, the ceiling of the Oslo II Agreement was set for an overall strength of 9,000 PNA security personnel, but this number had already risen by 1996 to over 30,000 men, according to Israeli sources.¹³⁶ This development was quietly acquiesced by the Israeli Government under the proviso of combating 'terrorism' and political violence.¹³⁷ At present, the PNA forces have a

¹³⁴ According to the memorandum of understanding between Abu Ala' and Arafat of November 2003, the NSC "shall set down in no more than one month (a) a detailed regulation on its membership and the means of administering its tasks and work, and (b) a detailed regulation on restructuring and unifying the work of the security agencies and the National Security forces [sic] to increase their effectiveness and specify their authority." Quote in PICCR, *Eighth Annual Report*, p. 104.

¹³⁵ Interviews, 26 July, 1 August 2004, Jerusalem.

¹³⁶ Luft, "Palestinian Security Services," p. 5.

¹³⁷ In fact, prior to Oslo, Palestinian and Israeli security figures had estimated that the PNA would need a security structure with some 20,000 personnel during the interim period.

combined strength of between 40,000 and 45,000 personnel,¹³⁸ with the Civil Police employing 18,500 people (according to Palestinian sources, this number is planned to expand to over 24,000).¹³⁹ Other sources even estimate that the number of personnel employed across all the security forces amounts to 50,000 to 60,000 individuals.¹⁴⁰ Taking the lowest figure of 40,000 personnel, this gives a police-to-population ratio of 1 to 95, one of the highest in the world.¹⁴¹

This inflation of security personnel is on the one hand a consequence of the initial focus of institutional capacity building in the PNA on the areas of policing, surveillance, and maintenance of internal order. Equally important, however, is the security sector's function as an agency of employment. The dire economic situation in the Occupied Territories, characterized by structural dependency on Israel and industrial de-development, forced the PNA to adopt a strategy of massive public employment in order to both maintain political stability and enable economic development. Palestinian public institutions had to simultaneously absorb PLO cadres and Palestinians previously employed by the Israeli Civil Administration, reward Fateh cadres, and provide jobs for the increasingly young population.¹⁴² Thus, in the year 2000 about 19 percent or 110,000 members of the total work force in Gaza and the West Bank were on the public payroll, with public employment reaching 40 percent in Gaza. Due to the general economic deterioration and Israel's tightened '*siege and closure*' policy during the second *Intifada*, this number has risen to approximately 125,000.¹⁴³ A significant portion of this number has joined the security forces, in particular in areas affected by constant IDF closures such as

¹³⁸ In anticipation of a further IDF withdrawal from West Bank territories, the PNA had sought Israeli approval for an additional increase to the accepted 30,000 by 12,000 in 1999/2000. The request remained pending as the third and final phase of withdrawal under Oslo II never occurred. Sayigh, Yezid, "The Palestinian Paradox: Statehood, Security and Institutional Reform," in *Conflict, Security, and Development*, Vol. 1(2001) No. 1, pp. 101-108, p. 104.

¹³⁹ Interview, 26 July 2004, Jerusalem.

¹⁴⁰ Hilal, Jamil/Khan, Mushtaq Husain, "State Formation under the PNA: Potential Outcomes and Their Viability," in Khan, *State Formation*, pp. 65-119, p. 84.

¹⁴¹ The international norm stands at around 1 to 350.

¹⁴² The Palestinian population growth rate, currently at 4.2 percent, is one of the highest in the world.

¹⁴³ International Monetary Fund (IMF). *West Bank and Gaza: Economic Performance and Reform under Conflict Conditions*, 15 September 2003, p. 33.

Nablus and Jenin and the Gaza Strip. According to Palestinian sources,¹⁴⁴ this trend continues, particularly in the light of the overall unemployment rate of 34 percent.

Such a development has had grave consequences for the security sector. First of all, the overstaffing of security forces prevents the rebuilding of capacities as the bulk of the security budget is allocated for the payment of salaries. Secondly, it negatively affects the operational capabilities of the security agencies and facilitates corruption and kinship identity manipulation. Downsizing the security forces is therefore one of the key demands of the *reform coalition* and its parliamentary constituency. In 2002, the PLC set a concrete force goal of a cumulative total of 15,000 Palestinian police and security personnel, consisting of the totals of 9,000 Civil Police personnel (6,000 in the West Bank and 3,000 in Gaza) and 6,000 National Security and General Intelligence personnel (4,000 in the West Bank and 2,000 in Gaza).¹⁴⁵ Likewise, the PLC Committees of Budget and Interior submitted a Draft Law on Military Personnel Retirement in 2003 in order to curb the increase of personnel in the '*proto-army*' branches of the security sector.¹⁴⁶ However, these efforts have so far proved fruitless against the PNA's rationality of regime maintenance and containing opposition and discontent by public employment as well as the worsening economic situation.

d) Legislative Basis

As a consequence of the ad-hoc creation of the PNA security forces during the Oslo negotiations and their key function in Yasser Arafat's power architecture, the legislative basis of the PNA security sector is extraordinarily narrow. Most of the current security agencies have their institutional roots in the Palestinian Diaspora; they are either a combination of various PLO units (such as the National Security) or outright successors to PLO security details (such as the Presidential Security and the General Intelligence). The legal basis of those bodies consists of decrees issued by Arafat in his function as PNA president; this is regardless of whether a given PLO unit was transformed into a PNA agency (such as Force 17, which was officially disbanded in 1994 and

¹⁴⁴ Interviews, 26 July, 1 August 2004, Jerusalem.

¹⁴⁵ *Report of the Ministerial Reform Committee*, p. 19.

¹⁴⁶ PICCR, *Ninth Annual Report, 1 January-31 December 2003*, Ramallah 2004, p. 53.

then reconstituted as the Presidential Security), or whether it was an agency that was newly established after 1994 (such as the Special Security) or given independent status (such as in 1995 the Military Intelligence, which was previously part of the National Security).

Some legal provisions regarding role, structure, personnel strength, and armament of the security forces were spelled out in the Oslo II Agreement. According to Article IV, Annex I of the Agreement, the PNA security forces have seven tasks: (1) maintaining internal security and public order, (2) protecting the people and creating a sense of security, safety, and stability, (3) adopting all measures necessary for deterring crime, (4) defending public installations and infrastructure, (5) averting acts of harassment and retribution, (6) combating terrorism and incitement to violence, and (7) other normal policing activities.¹⁴⁷ In the light of organizational proliferation and a massive increase in the number of personnel, however, these external provisions in practice soon became obsolete.

In terms of the PNA's internal legal order, very little legislation exists to regulate the work or define the jurisdiction in the security domain. There are some exceptions: the Civil Defense operates on the basis of the Civil Defense Law No. 3 (1998); the Civil Police operates on the basis of the Police Law No. 6 (1963), the Penal Code No. 3 (2001), and a patchwork of further legal pieces.¹⁴⁸ However, there is no legislative basis issued by the PLC concerning the jurisdiction of the other security agencies, and neither are there any laws clarifying the management of cadres or procedures regarding appointments, employees' rights and duties, or disciplinary measures. Some general mission statements and rules of engagement were drafted by the HCNS in 1998, but they still await their enactment by the president. Existing internal regulations are mostly inherited from the PLA and applied by individual commanders on a selective basis, with personnel at all levels often ignorant of their existence or pertinence.¹⁴⁹

¹⁴⁷ *The Palestinian-Israeli Interim Agreement on the West Bank and Gaza Strip*, Washington, DC, 28 September 1995.

¹⁴⁸ This includes the 1936 British Penal Law with incremental elements of Egyptian Law in Gaza and Jordanian Law in the West Bank, the Law on Firearms and Traffic (1997), and the Arab League Law in relation to the prevention of 'terrorism.' Interviews, 26 July, 1 August 2004, Jerusalem/Ramallah.

¹⁴⁹ Interviews, 26 July, 1/2/4 August 2004, Jerusalem/Ramallah; Sayigh, "Palestinian Paradox," p. 105.

Major ramifications for regulating the legal aspects of the security agencies' activities might in the longer term emanate from Arafat's ratification of the Basic Law in May 2002, which for the first time delineated a legal normative basis. Article 84 of the Amended Basic Law states: "(1) Security Forces and the Police are a regular force. It is the armed force in the country, its function is to defend the country, serve people, protect the community and maintain public order, security, and morals. This force performs its duties within the limits prescribed by law with complete respect to rights and freedoms. (2) Security Forces and the Police shall be regulated by law." However, until now, no legislation has been issued by the PLC concerning the structural and administrative status of the security forces.

e) Civil-Democratic Oversight Mechanisms

Oversight over and control of the PNA Executive branch is, together with the promulgation of laws, the main area of jurisdiction of the PLC. The parliament's legislative and oversight powers are delineated in the Basic Law; mechanisms, procedures, and instruments of parliamentary work are detailed in the PLC Bylaw. Both pieces of legislation were approved by the PLC as early as 1996 and subsequently served as the legal basis for the PLC's work, although they were not officially enacted by Arafat before 2002 and 2003 respectively. On paper, the Basic Law and the PLC Bylaw grant the PLC a considerable set of powers and instruments to exercise its oversight role, including approval of the public budget, the granting and withdrawing of confidence to the Cabinet, and questioning by individual PLC members. Furthermore, the PLC exercises oversight through the work of its committees, which have the function of reviewing legislation and decrees and monitoring their implementation by the Executive. Instruments of the committees include hearings of Executive officials, investigations, and special reports. Besides that, the PLC has the authority to form special fact-finding and investigative committees. Four of the PLC committees engage in the security domain.

- (1) The Interior Committee is specifically designed to follow up the Executive's performance in the field of security and internal affairs, in particular with regard to the activities of the security agencies including their cooperation with Israel. It is chaired by Fakhri Shakura, a former PLA general.

- (2) The Committee for the Oversight of Human Rights and Public Freedoms deals with the current control of PNA activities in the realm of administration, human rights, and citizenship.
- (3) The Budget and Financial Affairs Committee has the task of controlling the PNA in the areas of expenditure and revenue and prepares the Budget proposal submitted to the PLC by the Cabinet, including the funds allocated to the security forces.
- (4) The Legal Committee deals with the preparation of proposed laws but also with all other spheres of legal matters with which the PLC is confronted such as, for instance, the status and independence of the Judiciary.

In practical terms, however, the scope of civil-democratic oversight and control over the PNA security sector is very limited. At times, the PLC engaged in open confrontation with the Executive but ultimately drew back, often under the guise of protecting national unity. In contrast to the Oslo years, which witnessed active and regular questioning and investigating of the government, the PLC's oversight performance has been effectively paralyzed since the outbreak of the *Intifada*; between 2000 and 2004, neither the Council nor its committees undertook any notable monitoring activities, with the exception of the PLC's successful effort to force the resignation of Arafat's cabinet through hinting at a withdrawal of confidence in 2002 (which, however, was more motivated by personal and regional grievances than genuine political concerns). Following the ratification of the Basic Law, oversight activities increased slightly in 2003 and in 2004, with, for example, the Interior and the Legal Committee holding a hearing for Mohammed Dahlan in his function as Minister of State for Security Affairs, and more general questioning from Council members with regard to the Executive's security policies. Nevertheless, continuous and effective monitoring of the PNA security sector has been absent, and no censure of the government, interpellation of ministers and officials, or formation of investigative committees has occurred during the last four years.¹⁵⁰

¹⁵⁰ See PICCR, *Sixth Annual Report, 1 January-31 December 2000*, Ramallah 2001, pp. 61-63; *Seventh Annual Report, 1 January-31 December 2001*, Ramallah 2002, pp. 68-73; *Eighth Annual Report*; *Ninth Annual Report*, pp. 62-66. In some instances, however, PLC members formed investigative committees on their own personal initiative. For example, a number of representatives in the Gaza Strip established a committee to investigate the case of the assassination of Colonel Rajeh Abu Lihya, head of the Civil Police Public Order Unit in Gaza, by Hamas activists in October 2002. Nevertheless, the PLC did not issue a

The poor oversight record of the PLC is a function of the security sector's characteristics as explained above, i.e., its politicization, its informal command structure, and its general lack of legal normative fundaments. Efficient oversight is obstructed in practice by the refusal of the Executive to pass information or to comply with the parliament's requests for hearings, leaving the PLC with few constitutional sanctions to enforce Executive compliance and efficiently control decision-making. For instance, the work of the PLC Interior Committee is – according to Palestinian sources – rendered ineffective because its chairman Fakhri Shakura "... lacks personal power and has bad relations with the heads of the security forces, so he cannot establish direct relations with them and must work under Arafat or through him."¹⁵¹

Poor oversight is also an expression of the PLC's more general institutional weakness. Although the Executive is legally required to obtain PLC approval for its major policies, the most important political and economic policies are in fact formulated and implemented by the presidency alone.¹⁵² This institutional deficiency results from a variety of factors such as the limited parliamentary experience in Palestine and the lack of tradition in terms of strengthening monitoring activities,¹⁵³ the lack of effective parliamentary blocs, the hegemonic position of Fateh, overlap in membership between the PLC and the government – with the Cabinet including up to 23 parliamentarians¹⁵⁴ –, and the irregularity of PLC activities due to the separation of Gaza and West Bank and Israeli curfews and closures.

The '*reformist*' constituency among the parliamentarians has made strenuous efforts since 2002 to enhance parliamentary capacities. As a response to Arafat's '*100 Days Plan*', the PLC in May 2002 adopted a

resolution on the formation of the committee, with the result that it was not classified as a parliamentary investigative committee. PICCR, *Eighth Annual Report*.

¹⁵¹ Interview, 4 August 2004, Ramallah.

¹⁵² Important laws – in particular in the areas of democracy, human rights, administration, and budgeting – are adopted and passed to the president who endorses them only after they have been reformulated to meet his demands or else refuses to sign them invoking the veto power bestowed upon him in the Basic Law.

¹⁵³ Rather than using serious oversight instruments such as interpolation and the withdrawal of confidence, PLC members by and large find it sufficient to raise questions, assign blame, and submit recommendations.

¹⁵⁴ PICCR, *Eighth Annual Report*.

'Reform Charter' that entailed concrete and specific proposals for the de-politicization and democratization of the security sector. Reflecting many of the key elements of the SSR agenda, the document demanded the reduction of the security agencies' number, the unification of bodies with similar functions, and their placing under the authority of the Ministry of Interior and the PLC. It also called for the formulation and promulgation of laws that define the duties of each security body as well as the requirements for joining them. Other demands included the limiting of security commanders' employment to four years and the legal prohibition forbidding any security apparatus to interfere in politics, pursue economic activities other than those allowed by law, or engage independently in cooperation with Israel. Finally, the document suggested replacing the HCNS with a new national security committee based in law.¹⁵⁵

Some of the 'Reform Charter's' elements, especially those pertaining to the structure of command and control, were subsequently incorporated into the MRC reform plan. However, the politically more far-reaching constitutional and legislative demands were silently dropped. In addition, when the called-for national security committee was established in the form of the reconstituted HCNS in September 2003, this was done per presidential decree and without any participation of the PLC. Especially problematic is the fact that the NSC is not mentioned in the Amended Basic Law; the parliament thus has no authority over it and cannot hold it to account. The NSC's formation therefore neutralized the prospective democratizing effects of the appointment of a Palestinian prime minister. This reform step had aimed at subjecting the internal security bodies to parliamentary control and separating the powers between the Executive and the Legislative: Article 69 of the Amended Basic Law grants the responsibility for maintaining internal security to the Cabinet under the Prime Minister; Article 71 gives to the Interior Minister the authority to propose and implement the general policy of his ministry after approval by the Cabinet. According to the law, both the Cabinet and individual ministers could thereby have been held accountable by the PLC through motions of confidence.

As with other reform areas, the PLC's efforts to strengthen civil-democratic oversight and control have practically been stalled since 2002. The results of new attempts in Summer 2004 to implement the

¹⁵⁵ PLC Reform Charter, 16 May 2002; Interview, 5 August 2004, Ramallah.

security-related aspects of the '*Reform Charter*' directly by presidential decree remain thus to be seen.

f) Culture of the Security Sector

With regard to the security sector, the term '*culture*' refers to the security actors' patterns of attitude and consistent behavior. These patterns are usually deeply embedded in the security sector's tradition and often prevail after the implementation of structural reforms. The most important aspects in the Palestinian context are (1) the violation of human rights, and (2) the manipulation of kinship identities.

(1) Although some of the Palestinian security forces work in a reasonably law-abiding mode, in many other branches there is equally a tradition of human rights abuses and infringement on civil liberties. These abuses include the mistreatment of citizens, extortion, detention without legal charges, and torture, as well as death in custody and during imprisonment. They are perpetrated both in the context of political repression – for example, in relation to opposition elements (in particular Hamas and the PIJ), critics of the political leadership, and Israeli collaborators – and the 'resolution' of personal conflicts. Whereas the Civil Police has a comparatively good human rights record, the intelligence agencies – the Preventive Security, the General Intelligence, and especially the Military Intelligence¹⁵⁶ – are known and feared for their practice of conducting arrests without warrant or charge and their use of torture during interrogation. Human rights violations are encouraged by the existence of a two-layer prison system in the PNA areas: on the one hand, there is the official PNA prison system – the '*Reform and Rehabilitation Centers*' – that are supervised by the General Directorate of Civil Police and governed by law;¹⁵⁷ on the other hand, each security agency also has its own independent detention and interrogation centers, which are neither regulated by any legislation nor subject to the supervision of the Ministry of Interior.¹⁵⁸ As a consequence, the role of the internal security agencies

¹⁵⁶ Interviews, 27 July, 2 August 2004, Ramallah. See also PICCR, *Ninth Annual Report*, pp. 142-152.

¹⁵⁷ Reform and Rehabilitation Center Law No. 6 (1998).

¹⁵⁸ Such was the case with the Jericho Military Prison of the National Security, the Jneid Military Prison of the Presidential Security in Nablus, and the various military prisons of the Military Intelligence. The Preventive Security's central prison and interrogation center was established in Beitunia, in addition to the Dahriya Interrogation Center in the southern West Bank and the Jneid Interro-

(and, in part, that of the Civil Police) is perceived largely as being in opposition to the people rather than as support or protection.¹⁵⁹

The lack of democratic ethos in the security sector is in many respects a consequence of the security personnel's socialization and lack of experience. As former members of the PLA or other paramilitary Palestinian units, the officer-level personnel at the National Security and Civil Police have a military background and no previous knowledge or practical experience of policing. Many members of the Preventive Security are activists of the first *Intifada* who were imprisoned by the Israeli authorities and have themselves been subjected to torture. These experiences clearly strengthen the likelihood of a democratic deficit being maintained within the Palestinian security institution.¹⁶⁰

Efforts have been made from inside and outside the security sector to strengthen and enhance the respect for human rights. In the year 2000, the General Directorate of the Civil Police issued instructions to all police authorities under its supervision to structure the relationship between the Civil Police and the citizenry in accordance with legal provisions; the instructions furthermore stated that the issuing of orders for arrest, detention, and searches of property and persons falls within the jurisdiction of the Judiciary.¹⁶¹ The Preventive Security, since 2000, has hired a larger percentage of law graduates to improve its staff's occupational performance. This was one of the measures included in the Preventive Security's proclaimed 'professional and behavioral revolution' of 1999, which involved rationalization, increased training, and the dismissal of problematic officers. It also entailed a withdrawal from duties unrelated to security and referring complain-

gation Center in the northern West Bank. However, most of the reform and rehabilitation centers and illegal detention facilities were subjected to partial or complete destruction during 2002.

¹⁵⁹ Another related aspect is the extensive use of stolen vehicles by members of the security forces, in direct contrast to the Civil Police's mission to prevent the spread and use of such vehicles. Many of those vehicles are implicated in the death and injury of citizens. Unofficial estimates point to the existence of 10,000 stolen Israeli cars in the West Bank districts and 12,000 in Gaza. Interview, 2 August 2004, Ramallah.

¹⁶⁰ Such a mindset is also reflected in the very names of the security bodies. Terms such as '*Preventive Security*' and '*General Intelligence*' indicate that the main function of policing is maintaining internal stability rather than the protection of law and order in the service of the Palestinian citizenry.

¹⁶¹ PICCR, *Sixth Annual Report*, p. 120.

ants to the police, the courts, or whatever agency was legally assigned jurisdiction.¹⁶² Furthermore, training in human rights has been provided by Palestinian NGOs and as part of donor assistance programs. However, due to the destruction of security infrastructure, the lack of training capacities, and absent political will, these efforts have only a limited range. Patterns of human rights violations thus persist.

(2) Kinship identity manipulation refers to the effects of family and tribal relations on the performance of the security sector. Individuals in key security positions as well as within the rank and file of the PNA security services are often recruited according to specific kin affiliations. For instance, the appointment of Musa Arafat as the head of National Security in Gaza during the upheaval of July 2004 occurred due to his being Yasser Arafat's nephew. Likewise, there is overlap between various security forces and local 'strongmen' and other persons with influence in society, be it for political, economic or social reasons, and local security chiefs tend to unite with influential clans. In the Palestinian environment where lines between local clans, political factions, militias, and security forces are blurred, individual officers are thus well placed in terms of exploiting their coercive abilities, relationships, and knowledge.

In the context of the continuing political and geographical fragmentation of the Occupied Territories, kin affiliation is likely to play an even greater role in the future. In the closure-affected areas of the West Bank – especially the districts of Jenin, Nablus, Tulkarem, and Qalqilya – family ties are becoming increasingly important as kinship groups gain influence in the local security branches and the transfer of security personnel between different localities remains impossible. In this anarchical situation, kinship bonds also represent a key factor in terms of the provision of security within the Palestinian society more generally, and it comes as no surprise that there are also signs pointing toward the revival of the unofficial Palestinian clan judicial system, which came into existence during the Arab Revolt in the 1930s.¹⁶³

¹⁶² Brown, *Palestinian Politics*, p. 37.

¹⁶³ Interviews, 27 July, 2/4 August 2004, Ramallah.

3. The Economic Dimension

In economic terms, the SSR agenda calls for the introduction of effective accounting, financing, and budgeting of the security sector in order to support, right-size, train, and equip the internal and military security forces.¹⁶⁴ The Palestinian state-formation context in this respect poses two critical challenges, (1) the budget situation of the PNA and (2) the problem of corruption.

(1) The PNA's budget situation from the onset has been characterized by massive fiscal vulnerability. This was a result of four interrelated factors. In socio-economic terms, poverty and the dominance of small-scale farming and small, family-owned enterprises meant that the taxable capacity of the economy was limited. Secondly, the institutional capacity of the emerging Palestinian state was weak and had to be built from scratch. Thirdly, various interest groups, especially foreign-based capital investors limited the PNA's revenue mobilization efforts, as larger investors were often able to obtain tax exemptions. Fourth and most importantly, the international context substantially influenced the revenue-collection efforts, and more than any other factor Israel represented a constraint on the PNA tax policy.

The economic framework of the Oslo process was enshrined in the Paris Protocol of Economic Relations (PEP), which was signed in 1994 subsequent to the Cairo Agreement and then amended in the context of the Oslo II Agreement in 1995. The provisions of the PEP severely limited the role of Palestinian institutions in designing their own fiscal and trade regimes: the Protocol formalized the *de facto* customs union between Gaza and the West Bank and Israel that had come into existence during the Israeli military occupation; it imposed the Israeli value-added tax system on the Occupied Territories; and it provided a tax-clearance system according to which Israel collected and transferred to the PNA taxes and custom duties imposed on Palestinian imports from or via Israel.¹⁶⁵ These tax and customs revenues are the most important source of public funding, making up around 60 percent of all public treasury revenues between 1995 and 1999.¹⁶⁶ In addition, the interpretation by Israel of the terms of the Protocol, particularly

¹⁶⁴ Chanaa, *Security Sector Reform*, p. 48.

¹⁶⁵ Fjeldstad, Odd-Helge//Zagha, Adel, "Taxation and State Formation in Palestine 1994-2000," in Khan, *State Formation*, pp. 192-214, pp. 205-209.

¹⁶⁶ PICCR, *Sixth Annual Report*, p. 119.

with reference to imported goods, resulted in the loss of significant revenues.

The PNA has thus been structurally dependent on Israeli rebates of customs and taxes, which gives the Israeli Government an efficient political weapon. Indeed, on several occasions during the Oslo years Israel withheld tax revenues in order to politically punish the PNA. In order to reduce this vulnerability, the PNA undertook various types of unregulated activities and established secret accounts, which enabled some public funds to be allocated by the Executive outside the budget;¹⁶⁷ it also relied on external assistance both for investments and to cover running expenses, with foreign aid constituting about 14 percent of the budget between 1995 and 1999.¹⁶⁸

Since 2000, the PNA's budget situation has dramatically deteriorated as revenue in the form of general tax and incomes from monopolies dried up with the escalation of violent conflict. Throughout 2001 and most of 2002 Israel withheld the tax revenues collected on behalf of the PNA and the central Palestinian institutions in the Occupied Territories became stripped of cash, which resulted in long delays in paying administrative staff and a standstill in terms of infrastructure maintenance. In combination with the decline of underlying revenue and absorption due to the decrease in activity and incomes, this depressed fiscal revenues actually received by the PNA by 78 percent in 2001, in comparison with just prior to the *Intifada*.¹⁶⁹ The receipt of foreign aid of roughly US\$1 billion over this period has enabled the PNA to fulfill its essential functions but far from managed to compensate for the revenue shortfall.¹⁷⁰ At the same time, PNA expenditure rose significantly during the second *Intifada*, driven by increases in recruitment and wage levels. The PNA 2004 budget shows a US\$650 million budget deficit before external financing. In political terms, the financial decline since 2000 has contributed enormously to the erosion of the PNA's central power.

¹⁶⁷ This practice was silently acquiesced to by Israel and other external actors.

¹⁶⁸ Fjeldstad/Zagha, "Taxation and State Formation," pp. 205-209.

¹⁶⁹ IMF, *West Bank and Gaza*, p. 69.

¹⁷⁰ Donors have more than doubled their pre-*Intifada* disbursement levels, providing an average of US\$950 million per annum between 2001 and 2003, and in so doing adding 30 percent to the GDP and over 20 percent to Palestinian disposable incomes. World Bank, *Disengagement, The Palestinian Economy and the Settlements*, 23 June 2004, p. 3.

The security sector still makes up the single largest category of recurrent PNA spending. In 2000, security and law enforcement expenditure amounted to US\$283 million, constituting about 35 percent of the budget. This percentage remained more or less constant in the years that followed:

**Budget Allocation for Security and Law Enforcement,
2001-2003
(in millions of US Dollar)¹⁷¹**

	Non-wage and capital expenditure	Wages and salaries	Total	In percent of total budget
2001	66	261	327	34
2002	62	296	358	35
2003	67	312	379	32

However, the impressive total percentage of expenditure does not translate into efficient security structures on the ground. As the data show, the bulk of security funds are earmarked for salaries. This is a result of the considerably inflated personnel numbers, which, amongst other things, reflect the security sector's function as an agency of employment. As already mentioned, few financial resources are therefore available for capacity building, security infrastructure and training, with grave consequences for the security forces' quality of performance. In addition to that, the donor community has been reluctant to provide financial assistance in the absence of Israeli assurances that the IDF would not destroy new facilities or imprison and assassinate highly trained security and intelligence officers.

As with oversight over the security sector the PLC's role in overseeing and controlling the budget is very limited. Although there is a law providing for regulations with regard to the passing of the budget,¹⁷² it is regularly disregarded by the Executive: usually the Cabinet submits the budget draft with considerable delay, does not comply with the procedural mechanism stated in law, and refuses to disclose private funds overseen by the PNA or their revenue, profits, and expenditure. In addition to the official budget, the security agencies also have their

¹⁷¹ IMF, *West Bank and Gaza*, p. 74.

¹⁷² Regulation of the Public Budget and Financial Affairs Law No. 7 (1998).

own budgets, which have nothing to do with the Ministry of Finance and are not subjected to ministerial and PLC oversight and control or external audit.

(2) The phenomenon of corruption in the Occupied Territories is intimately tied to the political and economic arrangements that were imposed on the Palestinians in the course of the Oslo process. Corruption can be understood as illegal rent-seeking where the state is bribed to create or maintain privileged income or to allocate privileged resources in particular ways.¹⁷³ Officials in emerging or disputed states regularly depend upon their ability to raise funds through such shadow networks in order to maintain themselves and their status. Illegal rent-seeking in the Palestinian security sector affects both the rank and file and the command level. During the Oslo years, many types of rank and file-corruption were a direct consequence of the system of control over the movement of goods and labour that Israel established in the West Bank and Gaza. The Oslo Accords created a patchwork of different areas under either the jurisdiction of the PNA, joint Israeli-Palestinian jurisdiction, or the total control of Israel. The geographic fragmentation of the Occupied Territories severely limited the Palestinian ability to move between different areas and automatically brought about a system of petty corruption by Palestinian security personnel functioning as '*gatekeepers*' of the crossing points between the different areas.¹⁷⁴ Although this system of control became defunct after the Israeli reoccupation of the West Bank in 2002, thereby limiting opportunities of illegal rent-seeking for the rank and file, small-scale extortion of shopkeepers and traders by security officials is still the most common form of petty corruption. The very low wages in the security sector – the average monthly wage of those working for the Palestinian security forces is about US\$200, which is one third less than that granted to those in the civil service and below the level required to avoid poverty – strongly contribute to such illegal rent-seeking.

Corruption on the command level serves both institutional and private gain. Patterns of illegal rent-seeking here include: unauthorised tax collection inside the Occupied Territories; the systematic extraction of unofficial tolls from businessmen importing or exporting goods via Israeli-Palestinian border points; the usage of donations of local mer-

¹⁷³ Khan, Mushtaq Husain, "Introduction," in Khan, *State Formation*, pp. 1-12, p. 4.

¹⁷⁴ See Hilal/Khan, 'State Formation', p. 77.

chants in order to construct security facilities; and the protection of lucrative monopolies such as on fuel and cement supply or the gambling casino at Jericho.¹⁷⁵

Overhauling the public finance system was one of the key elements of the PNA's 2002 reform program, and some substantial progress in terms of placing expenditure and revenues under the control of the Cabinet has been made with the appointment of Salam Fayyad as Finance Minister, although reform lost much of its early momentum in Summer 2003. Some of these measures were specifically aimed at tackling the corruption phenomenon and creating efficient financing and budgeting in the security sector. In 2003, the salaries of members of the Civil Police, the Preventive Security, the Civil Defense, and the General Intelligence were transferred to their bank accounts instead of being paid to the leadership of these agencies, which had assumed a distributive role in the transfer process. In early 2004, Arafat approved a decision of the Cabinet to channel the salaries of all National Security personnel through their personal bank accounts, together with a salary increase through changes in the official exchange rate for the US Dollar from 3.7 to 4 New Israeli Shekel (NIS). These changes have reduced some of the power in the hands of the security heads who often paid additional salaries from their personal funds in order to sustain a personal power base in their respective agency.

Again, however, these reform measures have been far from effective in practice and reflect the difficulties inherent in rationalizing and institutionalizing a regime that has been following a strategy of clientelism and patronage for more than ten years: there are no efficient oversight bodies in the Ministry of Finance with regard to security expenditure as demanded by the Ministerial Reform Committee in 2002, salaries still make up the bulk of the security budget, and corruption continues to thrive. All this erodes the PNA's ability to rebuild capacities and train forces according to SSR precepts, not to speak of the dramatic effects of illegal rent-seeking on the citizenry's perception of the Palestinian security services.

¹⁷⁵ Sayigh, 'Palestinian Paradox', p. 106.

4. The Societal Dimension

In liberal democratic theory, as with much of the SSR agenda itself, civil society is believed to be the most effective agency with regard to democratizing society and the best antidote to authoritarian rule. Just as effective SSR calls for the existence of a capable state, it also relies upon the existence of functioning civil institutions.¹⁷⁶

Civil society, however, is somewhat of a fluid concept, and there is no exact consensus on the meaning of the term. It may be defined as an associational realm between the state and family populated by organizations that enjoy autonomy from the state and are formed voluntarily by members of society in order to protect or extend their interests and values; this entails the ability to reach decision-makers on the elite level. In terms of agents, the realm includes various forms of associations such as NGOs, trade unions, charities, and professional and religious organizations.¹⁷⁷ With reference to the security sector, a major role in providing checks and balances is assigned to NGOs, research and advocacy institutions, and independent media. In the state-formation context, however, the privileged position attributed to civil society overlooks potential problems that may often characterize civil society itself. In the Palestinian context, these are (1) the degree of regime control, (2) the question of the cohesiveness of society, and (3) the lack of civic capacity in a conflict-torn environment.

(1) Civil society in Palestine features a high degree of regime invasiveness, which is partly a function of the emerging-state context. During the 1980s, Palestinians developed a wide variety of grassroots institutions, which in the early 1990s transformed into professional, salaried NGOs financed by external donors. In the face of the PNA's failure to provide services or improve living conditions these NGOs continued to fulfill their role of meeting the basic needs of the Palestinian populace after the PNA's arrival, with the PNA and the NGOs competing over the flow of external resources. Concomitantly, political opponents of the PNA such as members of the *reform coalition* congregated in the NGOs;¹⁷⁸ this was the case especially with Palestinian human rights

¹⁷⁶ Chanaa, *Security Sector Reform*, pp. 52-53.

¹⁷⁷ Forman, Johanna Mendelson, *Promoting Civil Society in Good Governance: Lessons for the Security Sector*, DCAF, Working Paper No. 29, July 2002, p. 6.

¹⁷⁸ Seventy larger secular and internationally oriented Palestinian NGOs are banded together in the Palestinian NGO Network (PNGO). It is the most effective lobbying organization for NGOs and has a leftist and oppositional orienta-

groups that performed as the main domestic monitor holding the PNA accountable. Main human rights organizations include for instance Al-Haq – Law in the Service of Man and LAW, the Palestinian Society for the Protection of Human Rights and the Environment. To the extent that criticism of Yasser Arafat and the PNA was publicly expressed, it often came from the individuals associated with these and other NGOs.

Against this background, Yasser Arafat systematically tried to curb the autonomy of the NGOs and make them detractors of the PNA's authoritarian rule. A major step of the NGOs' cooptation by the regime was the NGO Law of 2000, which requires NGOs to register with the Ministry of Interior: obtaining a license from the ministry is predicated on an investigation and approval by the security services.¹⁷⁹ Although many NGOs refused to comply with the law and did not register, the adoption of the law by the PLC reveals a fundamental acceptance on the part of the NGO community that the regime has a significant role to play in monitoring NGO activity. Moreover, the PNA has chartered its own human rights organization, the Palestinian Independent Commission on Citizen's Rights (PICCR), which was set up by presidential decree in 1993 and functions as the official ombudsman of the PNA.

(2) Another factor complicating the role of civil society in providing checks and balances to the PNA and its security sector is the lack of cohesiveness of the Palestinian society itself and its increasing de-politicization. The de-politicization of society was a direct consequence of the PNA's authoritarian rule and repression of criticism during the Oslo years, which led to political parties other than Fateh becoming mere shadows of their former selves. By the beginning of the second *Intifada*, Fateh itself had fractured into rival components. Along with these political processes went the increased fragmentation of the Palestinian society. Cleavages that had existed previously such as among

tion. Smaller NGOs and grassroots organizations formed their own network, the General Union of Palestinian Charitable Societies. Islamic NGOs and those founded with the encouragement of the PNA remain outside broader organizational frameworks. For detailed information on relations between the PNA and civil society see Brown, *Palestinian Politics*, pp. 138-190.

¹⁷⁹ Reporting requirements for NGOs are significant and the government's requirements fairly intrusive. NGOs are for example told the acceptable size of their boards of directors and their quorum and given strict instructions concerning the frequency of meetings of the general assembly. In 2001 the Ministry of Interior used the NGO Law to shut down two organizations for failing to comply with reporting requirements.

the urban-rural, Muslim-Christian, '*inside*'-'*outside*', West Bank-Gaza, family/clan, and class lines became even more pronounced after 2000.¹⁸⁰ As a result, dialogue at a society-wide level has been very limited, in particular on the content, meaning, and scope of 'Palestinian security' and the shape of security sector reform. Indeed, the only reform issue that equally preoccupies reform supporters on the elite level and the wider citizenry – and might thus serve as a cause of mobilization – is the problem of the security sector's corruption.¹⁸¹

(3) Regime control and the lack of social cohesiveness are the two main determinants *vis-à-vis* the lack of civic capacity in order to support SSR in Palestine. Despite growing public demand for security reform, specific reform proposals on the part of NGOs or research and advocacy institutions have largely been absent. The Palestinian media are unable to exert control, as access to security-related information is restricted and expertise to properly evaluate available data and monitor the activities of the security forces is missing. Human rights organizations such as Al-Haq, LAW, and the PICCR partially fulfill monitoring functions, but they are unable to effectively influence decision-making on the leadership level. In 2000, for instance, human rights organizations worked with the Oversight and Human Rights Committee of the PLC to draft legislation forbidding the use of torture by the security forces, only for the draft to be buried in the plenary by the PLC's Fateh majority.¹⁸² Human rights NGOs also do not have the necessary capacities to provide large-scale human-rights education or operational and tactical coaching of security personnel; although they have in some cases provided successful training,¹⁸³ the security forces in many

¹⁸⁰ A Palestinian source commented thus: "Even more than before, Palestinian civil society does not have tools to enforce a change at the present time. People are even thinking about reactivating tribal law because that is now to a certain degree what is left and can maintain the fabrics of society. Family law, i.e. ,unwritten law, as the only way of stopping a Somali or Lebanese scenario. You do not have other tools." Interview, 2 August 2004, Ramallah.

¹⁸¹ Eighty-eight percent of the Palestinians believe that corruption exists in the PNA institutions, with two-thirds believing that this corruption will remain or increase in the future. PCPSR, *Press Release Poll No. 13*.

¹⁸² See Brown, *Palestinian Politics*, p. 127.

¹⁸³ Al-Haq for example has operated a continuous human rights training program for the Civil Police that focused specifically on mid-level officers in charge of interrogation and imprisonment. In general, certain security branches are credited with a more commendable level of performance with regard to civil society than others, often thanks to the lead taken by individual commanders. For instance, during the Oslo years, the Civil Police has undertaken a conscious

other cases have refused to cooperate. The difficulties faced by Palestinian NGOs are illustrated by the record of the PICCR, the official PNA ombudsman: of the 169 complaints concerning the security services handled by the PICCR in 2003, 98 remained open or were closed due to a lack of cooperation with the agency. PICCR makes strenuous efforts to comply with its mandate,¹⁸⁴ but this is hampered by the lack of legal instruments capable of practically enforcing the cooperation of the security agencies and other PNA institutions.

As part of the 2002 reform efforts, it was envisaged that steps would be taken to increase the PNA's responsiveness to the participation and consultation of civil society. The Ministerial Reform Committee's PNA reform plan, for instance, called for a closer involvement of civil society bodies in the implementation of reforms, including regular meetings with representatives of the Palestinian NGO Network, professional associations, trade unions, and the private sector; the measure, however, did not extend to the security-related reform aspects.¹⁸⁵

The societal dimension of SSR in the Palestinian context is thus characterized by civil society's lack of the tools necessary for promoting or impelling both security and broader political reforms. For Palestinian NGOs, cooptation by the PNA during the Oslo years has not translated into substantial influence on decision-making, and the Palestinian civil society as a whole has been mostly left out of the SSR discourse. In the emerging Palestinian state, civil society therefore cannot be a 'magic bullet' that injects democratic practice.

effort to develop community policing and has had an active public relations program. Sayigh, Yezid/Shikaki, Khalil, *Strengthening Palestinian Public Institutions*, Independent Task Force Report, 28 June 1998, p. 74.

¹⁸⁴ The mandate of the PICCR is to monitor and follow up the extent to which the Palestinian public authorities and commissions respect and protect citizens' rights, both in practice and in terms of legislation, planning, and policy.

¹⁸⁵ *Report of the Ministerial Reform Committee*, pp. 15-17.

Conclusion

This paper examined the contents, objectives, and problems of SSR in post-Oslo Palestine. Having identified SSR as part of the broader democratic transformation processes, the paper first scrutinized the SSR agenda on the conceptual level and then analyzed SSR in the emerging Palestinian state by looking at the dimensions of its agenda. The empirical inquiry shows that all efforts to overhaul the Palestinian security sector have failed so far, whether undertaken in pursuit of the '*restructurist*' or the '*reformist*' agenda. The findings reflect the theoretical and practical problems associated with the SSR agenda, and the fact that the problems become particularly relevant if the target for reform is an emerging state with a conflict-torn society.

The '*restructurist*' understanding of Palestinian SSR clearly exemplifies the political danger inherent in the SSR program of becoming a cloak for the manipulation of local power structures according to the interests of external actors, especially if those power structures have not yet coagulated into statehood. Since 2002, Israel and the US have been consistently calling for the PNA and its security sector to be reformed, yet what they call for is not democratic reform, but instead Arafat's replacement as supreme security commander and head of the PNA. Both actors hence frame the policy goal of regime change in the discourse of SSR.

As to the genuine '*reformist*' agenda, its Palestinian and international proponents face both practical-political and conceptual difficulties. On the practical level, all steps to democratically transform the PNA security sector have been thwarted by a combination of external constraints, political unwillingness, institutional deficiencies, and the failure of economic and societal support mechanisms. The political context for SSR is extremely problematic in the light of Israel's policy of reoccupation and the resilience of Yasser Arafat's power structure. Until now, Arafat's political skills have proved sufficient to frustrate efforts to reform or reorganize the PNA security forces, although the material foundations of his rule have been gravely undermined in the course of the second *Intifada*. This clearly confirms the lack of an organized Palestinian democratic movement with a solid social base that might be capable of challenging the '*old guard*' of Fatah as well as the political Islamists; at the moment, the Palestinian '*reformers*' are simply too

weak to effectively push for the strengthening of civil-democratic oversight and control. Institutionally, reform efforts are complicated by the proliferation of security orders, the emergence of informal security actors, and the extreme politicization of the security establishment. This is juxtaposed with a multitude of technical problems such as unclear chains of command, a lack of procedures, the inflation of personnel numbers, and non-democratic tradition. Finally, the economic and societal dimension fail to set forth the necessary support mechanisms for reform due to the financial predicament of the PNA, endemic corruption, and the powerlessness of Palestinian civil society.

In conceptual terms, these difficulties illustrate the problems stemming from the theoretical linkage of the SSR agenda to the good governance approach. First of all, there is no consensus on the meaning of the term '*security*' in the Palestinian context, neither among the Palestinians themselves nor between them and external supporters of the '*reformist agenda*'. Indeed, for many Palestinians, security means not merely personal safety from crime and disorder but primarily the end of the Israeli occupation; hence they conceive '*state security*', i.e., Palestinian statehood and territorial sovereignty, and '*human security*', i.e., protection from Israeli violence and internal disorder, as inextricably linked. Yet, the establishment of '*state security*' understood as such is clearly outside the scope of SSR.

Further to this, the focus of the '*reformist agenda*' on the formal PNA security structure has obscured the need to regulate, demobilize, or integrate non-formal security actors. These non-formal elements have emerged in relation to the PNA's political and administrative fragmentation, and have in part assumed policing functions – such as Hamas –, and in part produced insecurity, such as that connected to the armed gangs emanating from the Al-Aqsa Martyrs Brigades.

Thirdly and most fundamentally, the whole rationale of good governance underlying the SSR agenda appears questionable in the Palestinian context. With the PNA constituting a unique type of quasi-state lacking almost all the powers of a normal state, the demand that it should achieve democracy and good governance before achieving statehood and economic viability is implausible. Mushtaq Khan rightly points out that the concentration of executive power in the PNA was a primary factor in maintaining the viability of Palestinian self-governing institutions by allowing the Executive to create and transfer rents.¹⁸⁶

¹⁸⁶ Khan, "Evaluating the Emerging Palestinian State," p. 44.

Although this strategy impeded progress in democratization, it stabilized the Palestinian polity and economy under very difficult circumstances. Trying to implement full-scale SSR in a state-formation context where the 'state' faces powerful externally determined institutional, political, and economic constraints might thus very well be confusing means with ends.

Is there any genuine perspective of democratizing the Palestinian security sector in such a context? In the short term, this is quite hard to fathom. The priorities of the key security actors (i.e., Arafat and his commanders), the weakness of the *reform coalition*, and the external constraints imposed on the PNA clearly militate against proper SSR. In the current situation, the security forces are one of Arafat's last power assets, and it is unlikely that he will cede any control over them, unless he is given strong political incentives to do so by Israel and the US. Even in this case, SSR would probably not exceed the limits of the reorganization schemes that have been on the table since 2002. Likewise, security reforms currently discussed in the context of the possible Israeli 'disengagement' from Gaza do not aim at bringing about democratization, but at establishing firm control over informal Palestinian security elements, oppositional groups and paramilitary formations – although a possible accommodation of Hamas and the PIJ in a post-withdrawal scenario might arguably provide new impetus for local security reform initiatives.

Prospects for SSR under a 'new' post-Arafat leadership are equally grim, as this leadership will undoubtedly lack Arafat's political standing and will most likely find it difficult to establish legitimacy and power all across the Palestinian spectrum, which is the *sine qua non* for implementing effective reforms. Apart from these scenarios, there is also the lurking risk of the imminent collapse of PNA institutions. The result could be the development of a militia phenomenon reminiscent of the Somali case, with increasing extortion, random violence against Israelis and vigilante attacks on Palestinian collaborators, a term that may then come to include political moderates or factional rivals.¹⁸⁷

Realistically, the only chance for substantial and comprehensive SSR in the Occupied Territories lies in a just resolution of the Israeli-Palestinian conflict, leading to the establishment of a sovereign, politically and economically viable Palestinian state. The experience of Palestinian

¹⁸⁷ See Sayigh, Yezid, "The Palestinian Strategic Impasse," in *Survival*, Vol. 44 (2002) No. 4, pp. 7-21, p. 16.

reform since 2002 strongly suggests that the democratic transformation of the Palestinian security sector can only be considered in the context of a long-term solution on the political level. This, however, requires forceful and sustained international involvement and a policy reorientation on the part of the dominant international and regional actors.

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