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Challenges of Palestinian Security Sector Reform: Blame Israeli Occupation or Internal Political Fragmentation?

Brahim SAIDY^①

(Department of International Affairs, Qatar University)

Abstract: *The debate on Security Sector Reform (SSR) in Palestine has emerged within the context of the peace process between Israel and Palestinians, in particular following the Oslo agreement in 1993. There are different perceptions of the significance and relevance of SSR in the Palestinian context, and these depend on ideological, political allegiances and interests of domestic, regional and international actors talking about SSR. Some blame the Israeli occupation and military activities and also the governance of the Palestinian security sector for the deterioration of internal security. Others consider that the SSR is an integral element of the process of state-building to allow the Palestinians to establish an effective authority over their territories. However, Israel and external actors like the United States and the European Union still look at Palestinian SSR as a means to confront*

^① Dr. Brahim SAIDY is an assistant professor of international relations at Qatar University. Before he joined Qatar University, he served as an adjunct assistant professor in international relations at four Canadian Universities: University of Ottawa, Laval University, University of Sherbrooke and University of Québec in Montréal (UQAM). He has taught national security, contemporary geopolitics, contemporary security issues and conflict resolution in the Middle East.

“terror and violence” and to prevent the emergence of any dangers to Israel. Israeli occupation and internal political divisions described and analyzed in this article as major challenges for Palestinian SSR. In addition, this article argues that this reform is not an end in itself, but is a necessary and a fundamental element to achieve the Palestinian national project in terms of liberation and state-building.

Key Words: *Security Sector Reform; Arab-Israeli Conflict; Conflict Resolution; Occupation; Peace Process; Palestinian Political Division*

Introduction

Security is a key issue in all peace agreements between Israel and Palestine as well as in all the regional and international diplomatic initiatives to resolve the Arab-Israeli conflict. The debate on Security Sector Reform (SSR) in Palestine has emerged within this context, in particular following the Oslo Accords in 1993. It is strongly influenced by internal and external issues that must be addressed. Therefore, there are different perceptions of the significance and relevance of SSR in the Palestinian context, and these depend on ideological, political allegiances and interests of domestic, regional and international actors talking about SSR. Some blame the Israeli occupation and military activities and also the governance of the Palestinian security sector for the deterioration of internal security. Others consider that the SSR is an integral element of the process of state-building to allow Palestinians to establish an effective authority over their territories. However, Israel and external actors like the United States and the European Union still look at Palestinian SSR as a means to confront “terror and violence” and to prevent the emergence of any threats to Israel.

This study seeks to contribute to a better understanding of the challenges of the Palestinian SSR and analyze its significance within the specific national context. In fact, this topic is widely tackled by many Palestinian intellectuals and foreign researchers. The literature is dominated by the works of the *Geneva Center for the Democratic Control of Armed Forces* (DCAF) as well as the studies and surveys carried out by the *Palestinian Academic Society for the Study of International Affairs* (PASSIA) (Friedrich, 2004). In addition, the research programs both of the *Centre for International Governance Innovation* (CIGI) and *The United States Institute of Peace* (USIP) provide a good contribution to understanding several questions related to the Palestinian SSR. However, this study does not seek to tell what other researchers have done in this research area. Its major contribution is to reorganize the debate on SSR in the light of the specific Palestinian context. By doing so, data used in this paper are based on the existing work mostly relates to the Oslo period and post-Oslo reform initiatives launched by the Palestinian Authority. In view of the previous research works, two major questions remain unanswered: in which conflict stage (pre-conflict, conflict or post-conflict) Palestinian SSR should be placed? What are the priorities of this reform in terms of the challenges it faces?

First, it should be noted that the literature on the Palestinian SSR focuses largely on the post-conflict period. Several academic works on this topic state that the situation in Palestine falls neatly enough into this category since the conclusion of the Oslo agreements in 1993. In fact, the debate on SSR in Palestinian policy circles has emerged within this context, called the “peace process”. Since a plethora of academic works, non-governmental reports, such as those published by the

International Crisis Group, policy papers and technical dimensions of SSR have been written to analyze the reform agenda of the Palestinian National Authority (PNA) in this field (Weinberger, 1995; Brynen, 2008). However, the adequate analytical framework to study the Palestinian case is the period of conflict resolution and democratic transition in terms of the transformation of the Palestinian political regime from authoritarian rule to democracy. For the period of conflict resolution, the Arab-Israeli conflict is not yet resolved and the SSR is still deeply embedded in this conflict. Unlike in other political contexts – such as Eastern Europe, Africa or Middle East – Palestinian context is unique because PNA is not a state (Lia, 2006), but a transitional regime with limited administrative, security, and legislative powers over limited areas in the West Bank and Gaza.

Second, it is obvious that the SSR is a key challenge in Palestine in order to advance a state building agenda, to end Israeli occupation and to deal with lawlessness and the deteriorating internal security situation. The main challenges facing the Palestinian security sector must be considered within the political context created by two factors: Israeli occupation and international political fragmentation. This study argues that the precondition to achieve a successful and sustainable SSR in Palestine is to overcome these challenges. All elements that should be incorporated into any comprehensive SSR for the Palestinian context are strongly related to these two challenges whether developing democratic governance and accountability; creating an appropriate institutional framework or strengthening the professionalism and operational effectiveness of the security services (Weinberger, 1995; Brynen, 2008).

I. Theoretical Approach: The Context of the Palestinian Security Reform

The security sector reform or SSR is a relatively recent concept. Since the late 1990s, it has entered in the field of security studies and international development aid as a means to the transformation of security services towards greater democratic accountability and transparency as well as effectiveness in providing security for the country's citizens (Brzoska, 2003: 13-14). The security services should be controlled by and accountable to democratically elected civilian authorities, and should act on the rule of law (Hänggi, 2004: 3-20). The SSR is recognized as among the central elements to consolidating democracy, promoting development, conflict prevention and the success in post-conflict peace-building. This would be incomplete and limited at best, if it does not include the security services.

There are two joined concepts to the SSR: security and governance. Both concepts have undergone change in recent decades, particularly with the demise of the Cold War. Today, security is not understood in state-centric terms or military threats. It is extended to non-military issues affecting both states and peoples due to the emergence of a number of serious global threats, which have been aggravated by globalization. Regarding governance, it concerns the ways in which the management of security institutions and issues serve the needs of citizens and the state (Brzoska, 2003: 13-14). The good governance incorporates all the security actors in the decision-making process, who refer not only to the armed forces, the police and the intelligence services, but also to the constitutional and political institutions that should guide and oversee them. So the SSR is understood to be a

comprehensive reform process the aim of which is making these institutions more legitimate, apolitical and accountable to individual citizens and communities and more responsive to their security needs (Ball, 2010:30).

In considering SSR from a donor perspective, the Organization for Economic Cooperation and Development (OECD) argues that “SSR seeks to increase partner countries’ ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, and the rule of law. SSR includes, but extends well beyond, the narrower focus of more traditional security assistance on defense, intelligence and policing” (OECD, 2005).

The SSR is a process and a set of policy mechanisms that could be helpful for both non-democratic to resolve their security-deficit, and fully democratic regimes to improve the effectiveness of their security services with a focus on the transparency and adapting new capabilities. In addition, the theory and practice of the SSR is largely related to the concept of the *conflict* and *democratic transition*. The following table summarizes all the dimensions of the correlation between these concepts that imply needs and potentials for reforms.

In light of these three periods that characterize the life cycle of the conflict, certain conclusions should be drawn regarding the Palestinian case. First of all, there is no single model, because SSR differs from country to country. In other words, there are wide variances in contexts and conditions for the implementation of SSR. This entails to think of a new SSR model more attuned to the specific challenges and national experiences for the Palestinian case. The national, regional and international environments in which the Palestinian SSR will take

heavily influence its progress. This reform is likely to fail if some specific priorities and needs are not taken into account.

The Palestinian SSR is fundamentally embedded in the stage of conflict resolution as a key component of each peace strategy. It is obvious that SSR is complicated by the so-called “peace process” and, accordingly, governmental and non-governmental responses to this issue must be guided by the obstacle of the Israeli occupation. In the Palestinian case, SSR and conflict resolution will be best able to work together when those committed to building peace work to address structural sources of the Arab-Israeli conflict. SSR principles can act as a lever for the conflicting parties to come to fair agreements in peace negotiations, but actually in terms of Oslo agreements present a major obstacle to peaceful resolution by exacerbating differences between Palestinians on one side, and Israel and international donors on the other.

In terms of the third stage of life cycle of the conflict, all characteristics of the reconstruction’s period can be found in the Palestinian case. In this regard, Yezid Sayigh states that Palestine is a fractured society with a “[...] deep domestic disagreement over what constitutes the national interest, and a lack of consensus about the nature and aims of security. Struggles for control over the security sector are endemic, with weak or fragmentary legal frameworks and decision-making structures that are opaque or of contested constitutionality” (Sayigh, 2009:1-2). In the same vein, Nathan Brown argues that “the performance of the [Palestinian] security services is closely related to issues of authoritarianism, human rights violations, and corruption” (Brown, 2005:16). The SSR is needed to promote a new image of the Palestinian security services not as symbolic of a lack

of freedom and violation of human rights or as extensions of executive power, but rather as a tool to guarantee the rule of law. In this regard, SSR is a fundamental driver for political reform, because this process has a democratic character and looks to establish respectful interaction between the state and its population based on the principals of security governance. For this reason, SSR must be integrated to reinforce political reform and to resolve the contested legitimacy of Palestinian Authority (PA) that remains an authoritarian regime (Brown, 2005:5). Security reform was high on President Abbas's agenda when he came to power in January 2005 and still a key issue in the relationship between PA and international donors, in particular the United States and the European Union. Azmi al-Shu'aibi outlines several laws adopted over the past decade such among which are Service Law for the Palestinian Security Forces; Retirement and Health Insurance Law for the Palestinian security forces; Intelligence Agency Law; Civil Defense Law; and decree concerning a Preventive Security Law (Al-Shu'aibi, 2012: 4). In parallel, other reform initiatives were implemented to " [...] restructuring of the Interior Ministry; [...] prioritizing the people's need for security; [...] addressing negative manifestations that reflect lack of self-control and social restraint by the security forces; reinforcing the principles of loyalty to the PNA, and to the security service as a profession, based on the sense of national pride; and raising the public's awareness regarding the various necessary measures, to ensure its understanding, cooperation and support" (Al-Shu'aibi, 2012: 7). However, reform achievements still limited and delayed due to the non-democratic character of Palestinian regime. Security and law enforcement sector reform remained unsatisfactory, with no major progress in terms of five

democratic standards of SSR: constitutional and legal framework based on the principle of separation of powers; civilian control and management of the security sector by the government, parliamentary control and oversight of the security sector; judicial control in the sense that the security sector is subject to the civilian justice system; and public control.

II. The Challenges of the Israeli Occupation

The challenge of the occupation covers many different external and domestic threats. So any discussion of SSR entails two fundamental elements: the Palestinians' feeling of insecurity caused by Israeli occupation; and the link between Palestinian SSR and the "peace process".

The feeling of insecurity - that does not cease to grow - is a major concern for Palestinian SSR caused by Israeli occupation. This covers all regions and many different aspects of the Palestinian daily life. Beyond internal causes of instability, such as local armed groups, corruption and crime; the poor socioeconomic conditions of the majority of Palestinians cannot be separated from the presence of the settlements, Israeli military occupation, the Israeli raids and checkpoints as the main threats to their security (DCAF/IUED, 2005). The sense of insecurity in terms of economic instability and the increase in poverty and unemployment rates amongst Palestinians are also directly related to a number of physical obstacles to internal mobility in the Palestinian territories. These mobility restrictions imposed by Israel prevent Palestinian security forces from controlling the territory and also hamper seriously the Agency's humanitarian

operations, for example, the restrictions on the staff of UNRWA (Bocco, 2006: 11-26). To this is added, of course, the impact of the Separation Barrier – that will be 670 kilometers in length – on the lives and livelihoods of Palestinian households in the West Bank.

The Israeli occupation is the main external obstacle to the goal of reform in terms of achieving security for the Palestinian population and satisfying its basic needs. Palestinian security forces – that their infrastructures were completely destroyed by the Occupation over the past years – operate under very difficult circumstances.

Moreover, the Palestinian SSR is inextricably linked to the peace agreements, which include the Oslo Agreement (1993), the Cairo Agreement (1994), the Interim Agreement (1995), the Hebron Protocol (1997), the Wye Memorandum (1998), and Roadmap (2003). According to all these agreements, Palestinian obligations are to maintain international Palestinian security and to fight terror and violence. *The Performance-Based Roadmap to Permanent Two-State Solution to the Israeli-Palestinian Conflict* states the following elements summarized in the figure 1:

Figure 1. Palestinian Roadmap Obligations with Respect to Security^①

- Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent

^① source: *The Performance-Based Roadmap to Permanent Two-State Solution to the Israeli-Palestinian Conflict*, <http://www.wn.org/news/dh/mideast/roadmp122002.pdf>.

attacks on Israelis anywhere.

- Rebuilt and refocused Palestinian Authority security apparatus to begin sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
- GOI takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan.
- Relying on existing mechanisms and on-the-ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
- Implementation, as previously agreed, of US rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (US-Egypt-Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
- All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
- Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of US security officials.

- Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

Hani Albasoos, former Lieutenant Officer in the Palestinian Police, concludes that these peace agreements do not define concretely the scope and mission of *Palestinian security forces*. The big issue for him is to know: "Did the Israeli authors of the agreements mean that Palestinian police could use all their powers to protect the population in the self-ruled areas against all forms of threat, including external ones, or did they mean, in a narrower perspective, that Palestinian policing abilities should be limited to the prevention and repression of internal threats, such as those from armed groups opposed to the Oslo agreements?" (Albasoos, 2005: 21). Another conclusion is that there is a contradictory mandate between the provision of security for the Palestinians and the necessity of providing security to Israel. It is assigned to the Palestinian Authority, by these agreements, to work in close cooperation with Israeli security services (Lagerquist, 2003: 5-20). This situation is usually used by Western donors, in particular the United States and the European Union, to exert more pressure on the Palestinian Authority (PA) to dismantle Islamist groups (Zanotti, 2013:

3). In this regard, the United States, in terms of its commitments under the Oslo Accords, launched, since 2005, an assistance program to help Palestinians to transform and professionalize their security sector. But, after the Hamas victory in the parliamentary election of January 2006, the US Administration restructured and reduced its aid programs to PA, which should find ways to keep cooperation open with Israel in security sphere and act to control “violence”. For its part, the European Union has two security missions which remain present in the Palestinian territories: the EU Police Mission (EUPOL-COPPS) that went into effect in January 2006 to train and advise the Palestinian civil police; and the EU Border Assistance Mission at Rafah Crossing Point (EU BAM Rafah) that began on November 25, 2005 with the mission to provide a third-party presence to monitor the passage of people at the Rafah Crossing Point (RCP) in the Gaza Strip. All of these initiatives and programs are a direct result of the Oslo process.

Overall, it is very hard for Palestinians to define their security in a national framework due to the issue of occupation. This conclusion is shared by the International Crisis Group, which argues that the Palestinian SSR is further “complicated by the manner of cooperation, which the PA sees as overly one-sided, an asymmetric exercise in complying with Israeli orders. Repeated, oftentimes unjustified and almost always humiliating IDF (Israel Defense Forces) incursions into Palestinian cities, as well as strict limitations imposed on PSF (Palestinian Security Forces) areas of operation, undermine the symbols and reality of indigenous empowerment” (International Crisis Group, 2010: i).

III. The Challenge of the Internal Political Division

The SSR is highly constrained by the dynamic of intra-Palestinian relations, namely the power struggles between Fatah and Hamas. Without unity between the political Palestinian factions, SSR will be impossible. In other words, implementing an inclusive reform requires a real national dialogue that should not come from above, but with the involvement of the civil society, political factions and Palestinian security forces in order to engage all actors in the reform process.

The major result of this Palestinian internal struggle is the politicization of the security forces and the lack of professionalism. The loyalties of security personnel lie with the commanders instead of national institutions. The security situation became more complex after the 2006 legislative elections and the bloody clashes in the Gaza Strip in 2007: there are effectively two governments, one based in Gaza and the other in the West Bank, with each government having its own security forces. The appropriate concept that could describe this state of flux is *feudalization* (ASSIA-DCAF, 2006: 23) of the Palestinian SSR by Fatah and Hamas, which appeared clearly in the approach of recruitment based on partisan character and militia behavior. This is why it is difficult to develop a coherent strategy for DDR (Demobilization, Disarmament and Reintegration) in order to restore all Palestinian security forces into one national structure. The lack of professionalism and effectiveness due to the low morale of the security personnel is also the result of this fragmentation. The latter hampers the capacity of Palestinian security services to create and build a culture of professionalism. This means that the work of the security forces should never be affected by political factionalism in

order to provide the security needs to all Palestinians, regardless of their political affiliation.

It is obvious that in terms of internal challenges for Palestinian SSR is to build national unity and find consensus among all Palestinian stakeholders on a national security policy. If the perception of security for Palestinians traditionally linked to Israeli occupation, it should also be viewed with the negative impacts of internal political fragmentation: the contradictory interests of the various political parties and their security services. The unity is the key entry point to define a new concept of Palestinian security. Major-General Jibril Rajoub, former head of the Preventive Security Force in the West Bank, argues "that there are two contradictory visions of Palestinian security. The first vision is to preserve the security institutions established in the framework of the Oslo Agreements and keep them intact. The second vision is to engage in an open conflict with Israel" (DCAF-Shams Forum, 2008:2). Fatah represents the first vision due to its transformation from a revolutionary movement to a territorial political entity with international recognition. However, Hamas is associated with the second one because it is identified as a movement attached to original values of the Palestinian revolutionary movement. This kind of polarization prevents the definition of a common perception of threats, and to accomplish the Palestinian national project, particularly in terms of state-building.

The most urgent need for Palestinian SSR is to regain national unity as a solution for two main concerns:

First, the formulation of a Palestinian National Security Policy (NSP) to adopt a shared understanding of what security means for Palestinians and to establish a coherent security decision-making. In

this regard, DCAF states that NSP “[...] has a present and future role, outlining the core interests of the nation and setting guidelines for addressing current and prospective threats and opportunities. It seeks to integrate and coordinate the contributions of national security actors in response to the interests and threats deemed most important. There are five main reasons for states to have an integrated and detailed NSP: to ensure that the government addresses all threats in a comprehensive manner; to increase the effectiveness of the security sector by optimizing contributions from all security actors; to guide the implementation of policy; to build domestic consensus; [and] to enhance regional and international confidence and cooperation” (DCAF, 2005: 1). With this vision SSR is a “Palestinian national necessity and not merely a response to external pressure” or only a reaction to the Israeli occupation (ASSIA-DCAF, 2006: 23).

Second, the positive impact of national unity should be to restructure the different Palestinian security forces and to improve cooperation between the different institutions in the security sector. The Palestinian security apparatus is composed of numerous intelligence and security agencies. They include many Palestinian Liberation Armies that continue to believe in resistance to Israeli occupation, and at least a dozen different security branches, which created following the Oslo Agreement (1993) and directly related Palestinian Authority such as Public Security Force, Palestinian Civil Police Force, Preventive Security Force, General Intelligence or Mukhabarat, Military Intelligence, Navy Police, Presidential Security Force and Operations Force (Hussein, 2006: 45-70). The confusion and much duplication that exist between all of these apparatuses and absence of clear missions do not contribute to the effective delivery of

law and order to the population. In addition, the spreading state of anarchy and lawlessness in the Occupied Palestinian Territories was sometimes due to the power struggle among rival Palestinian security services. These forces had made mistakes that resulted in the loss of legitimacy and credibility in the eyes of the citizens.

In fact, the challenge of reform is to centralize command and control of the security apparatus with a clear separation of powers to build effective security capabilities. The idea is to integrate all agencies that serve the interests of security into a coherent national structure containing only three types of security forces: national security forces, internal security forces, and intelligence agencies. The current conditions and structure illustrate that Palestinian Security forces are not a conventional armed force capable of projecting power beyond its borders and to protect the population against Israeli military actions and incursions. However, they can do more to establish law and internal order in the cities of the West Bank and in the Gaza Strip.

Conclusion

Israeli occupation and internal political division described and analyzed in this study are major challenges for Palestinian SSR. The occupation still poses hard difficulties in terms of mobility, fragmentation of territory, construction and expansion of settlements and erection of the separation barrier. So it is vital to consider this reform in the life cycle of Arab Israeli-conflict as mentioned in Table 1. However, Palestinians can and must improve governance of their security sector without hiding the fact that the other face of the problem is home-grown. In other words, the stake for them is the

political fractions about the distribution of power that prevents the enhancement of the image of Palestinian security sector and provides a better service to the people.

In addition, this reform is not an end in itself, but is a necessary and fundamental element to achieve the Palestinian national project in terms of liberation and state-building. Its agenda is complex and it is not limited to the structural or organizational dimensions, but it has a political issue that requires a comprehensive political process in order to involve all governmental and non-governmental stakeholders in the security sector to identify a Palestinian National Security Policy.

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