



POLICING THE PEOPLE, BUILDING THE STATE:

**Authoritarian Transformation
in the West Bank and Gaza**

Yezid Sayigh

FEBRUARY 2011



CARNEGIE MIDDLE EAST CENTER

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

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Summary

As rival governments in the West Bank and Gaza have sought to strengthen their respective Palestinian Authority Security Force (PASF) sectors in recent years, they have adopted very different approaches. The Fayyad government in the West Bank largely relies on financial and training support from the West, while the Haniah government of Hamas in Gaza, lacking significant outside help, has been forced to streamline its operations.

Although well-intentioned, Western efforts have hindered—rather than helped—West Bank forces, who have received almost \$450 million in assistance from the United States and the European Union since 2007. The West’s limited focus on technical assistance rather than governance and institution building and its disjointed overall approach—along with the lack of coherence and autonomy in the West Bank PASF—are largely responsible for the sector’s failure to develop its own training and planning capabilities.

The Gaza PASF, on the other hand, has benefited from the absence of external support. Hamas, rather than outside donors, chooses how to design its policies and programs and set its priorities. As a result of this sense of ownership, its security sector is more integrated, has a clearer chain of command, and has developed more professional training and planning capabilities than the West Bank sector.

But the fundamental problem in both regions is that security sector rebuilding and restructuring occurs without democratic governance and a constitutional order. While the Fayyad government in the West Bank and the Haniah government in Gaza publicly stress a strict adherence to the rule of law and genuine observance of human rights, their lack of constitutional checks and balances—especially weak legislative and judicial oversight—makes this difficult. Civilian control of the security forces is also growing more tenuous, especially as political infighting grows in the West Bank and Islamization increases in Gaza.

This trend will continue unless a number of steps are taken. These include achieving Palestinian “ownership” of security sector development—especially in the West Bank—reintegrating the West Bank and Gaza PASF, assuring government control of security in both areas, and designing a new national security vision by engaging all relevant stakeholders. Otherwise, growing authoritarianism in both regions will threaten not only their long-term security but also the ability to achieve Palestinian statehood.

Policing the People, Building the State

The rival Palestinian governments of Prime Minister Salam Fayyad, which rules the West Bank, and that of Hamas Prime Minister Ismail Haniyah, which rules Gaza, have devoted significant resources to building their respective security sectors. The Palestinian Authority Security Force (PASF) in the West Bank has received nearly \$400 million in training and technical assistance from the United States since June 2007, and the Obama administration has requested an additional \$150 million for 2011. The European Union (EU) has channeled assistance worth another \$47 million from member and nonmember states since mid-2008. In contrast, the Hamas-led security sector in Gaza has received minimal outside assistance, mostly police training in Iran, Syria, and Sudan.

From a technical viewpoint, the security sector in the West Bank and Gaza—comprising the police, internal security agencies, and border guard or police support units—has grown much more professional. But the Hamas-led PASF has become even more so. The large level of outside support has hindered rather than helped the West Bank security sector, which continues to be led by officers loyal to the previously dominant nationalist movement Fatah. Some PASF branches in the West Bank receive substantial donor assistance while others remain underfunded and underequipped. Having far fewer resources, the Haniyah government has been forced to run a more streamlined operation.

Chain of command and civilian oversight of the security sector remain a problem for both governments. In the West Bank, the lack of an integrated approach to the PASF as a whole by the United States and the EU—and their narrow focus on technical assistance—further weakens the Fayyad government's control over its security sector. It also discourages PASF commanders from undertaking serious reform, since they do not have to make tough choices about priorities or take full responsibility for planning, budgeting, and service delivery in under-prioritized sectors.

While civilians control the security sector in Gaza, it is subject to competition between power centers within Hamas, leaving the Haniyah government with only a tenuous role. Interior Minister Fathi Hammad has become a powerful figure in his own right, thanks to his commanding influence over the security sector, both in the cabinet and in Hamas. In both the West Bank and Gaza, the PASF is highly partisan and loyal to Fatah and Hamas, respectively, rather than to a hypothetical Palestinian state-in-the-making.

The large level of outside support has hindered rather than helped the West Bank security sector, which continues to be led by officers loyal to the previously dominant nationalist movement Fatah.

The fundamental problem is that security sector rebuilding and restructuring in both regions occurs without democratic governance and a constitutional order. The legal mandates of Palestinian Authority (PA) President Mahmoud Abbas and the Palestinian Legislative Council ended in January 2010, with no prospect of renewal through new elections since none are likely to be scheduled unless Fatah and Hamas reconcile their differences. The Fayyad government

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was never constitutional, the post-June 2007 Haniah government dubiously so. The judiciary also fails to oversee the security sector, as it is also split in two, and subject to political pressures from the executive branch and the dominant party in each region.

No amount of security sector training and technical improvement can overcome this problem. Quite the contrary, the central emphasis placed by the U.S. government, the EU, and the Fayyad and Haniah governments on PASF development in the absence of democratic governance is actively contributing to authoritarianism. This trend will continue unless several critical steps are taken: achieving real Palestinian “ownership” of security sector development, reintegrating the West Bank and Gaza security sectors, attaining government monopoly on force in both regions, and developing a new national security vision by engaging all stakeholders.

The Reform Agenda

If technocratic measures of professional development and institutional capacity building are strictly applied, the Gaza security sector gets higher marks than its West Bank counterpart. Under Hamas’s leadership, it has rebuilt itself without outside help and its various elements are now more clearly integrated into a single system.

The contrast with the West Bank PASF—which has benefited from sustained technical and financial assistance from the United States and the EU—is striking even in areas where these donors offer a clear advantage. This is evident in training and planning, chain of command and civilian control, and partisan affiliation, all of which were identified as principal areas for improvement by the PA’s U.S.-assisted Technical Team for Reform before Hamas took over Gaza and constitutional order broke down in June 2007. The fundamental difference, however, is that only the Gaza security sector exercises meaningful “ownership”: the Hamas-run Ministry of Interior, not outside donors, has the final say in designing policies and programs and setting its priorities.

Professional Development: Training and Planning

The key to developing a professional security sector is training, which, in turn, depends on effective planning—namely, the ability to identify needed skills,

prioritize them according to available resources, and devise feasible programs and appropriate timelines to acquire them. In the West Bank, the donor focus on a conventional “train-and-equip” approach at the lower levels of the PASF has no doubt improved skills on the street, but has failed to generate a genuine institutional capacity to design, plan, and conduct training indigenously.

The Gaza security sector had no choice but to devise and implement its own training and planning programs and has done so effectively under severe constraints.

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The West Bank

The West Bank PASF has benefited from donor-funded training worth some \$60 million annually since September 2007, but has yet to develop a single force-building program. This is partly because “[m]ultiple supervisory bodies [are] in charge of the training process,” with more than sixteen countries and international organizations providing training between late 2008 and early 2009.¹

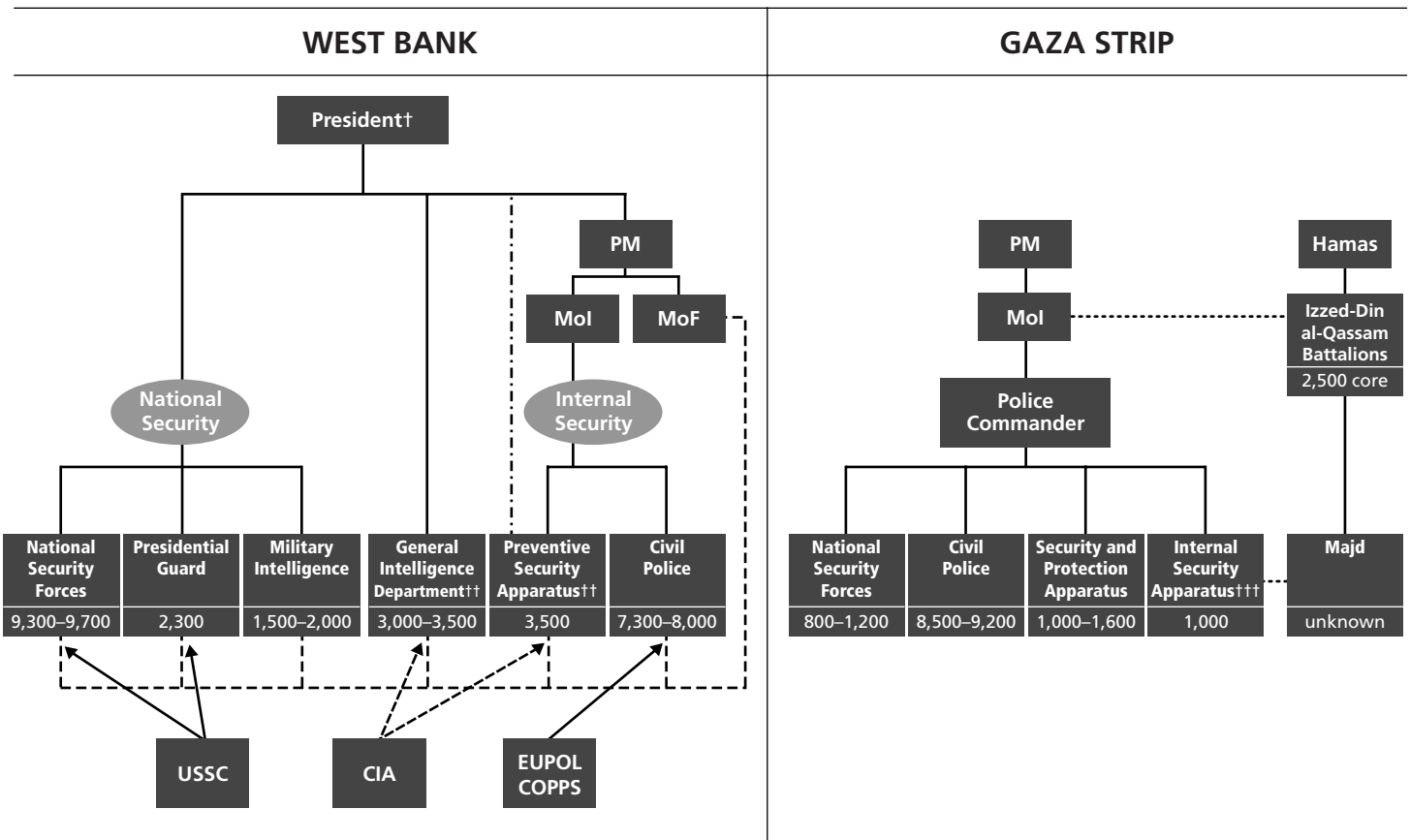
The United States Security Coordinator (USSC) oversees the largest effort with a core staff of some 45 military and civilian personnel. This is in addition to in-country support and liaison staff, and private contractors including 28 training instructors. Nearly all of the official U.S. assistance for training and equipment goes exclusively to the National Security Forces branch. The European Police Coordinating Office for Palestinian Police Support (EUPOL COPPS), which comprises 66 international and local staff members, supports the Palestinian Civil Police and the criminal justice sector (Table 1).

Table 1. USSC and EU Assistance, 2008–2010

Mission/nature of assistance	\$ millions
USSC (2008, 2009, and 2010)	400*
Training	160
Non-lethal equipment	89
Facilities construction or rehabilitation	99
Capacity building	22
Program design costs/security escorts & armored vehicles for USSC personnel	23
EUPOL COPPS (2008 and 2009)	47
Training	16
Equipment	31
Total	447

* The cost elements are approximations by the U.S. General Accounting Office, and may not add up exactly to \$400 million.

PASF Organizational Chart, West Bank and Gaza Strip



PM: Prime Minister | **MoI:** Ministry of Interior | **MoF:** Ministry of Finance

Key

—————	Formal authority
·····	De facto control
- - - - -	Fiscal authority, de facto control
—————>	Official donor assistance
- - - - ->	Covert donor assistance

Total PASF: 27,000–29,000 (including 1,000+ in auxiliary services)

† The PA President is designated Commander-in-Chief under the revised Basic Law of 2003, with ultimate authority over all PASF branches, but delegates responsibility for internal security to the Council of Ministers under the Law for the Palestinian Security Services of 2005. The President has full control over National Security (comprising the NSF, PG, and MI) and over General Intelligence, and a more de facto limited role in Internal Security (comprising CP and PSA).

†† The two agencies may have another 5,000 informers.

Key

—————	Formal authority & actual control
·····	Covert coordination

Total PASF strength: 12,520–15,420 (including 1,220+ in auxiliary services)

††† The agency may have some 5,000 informers.

The main goal of the USSC and EUPOL COPPS missions is to train and equip these two PASF branches. The USSC also organized or supported 24 specialized courses open to all PASF branches in 2008–2010, including senior and intermediate leadership training. The two donor missions, moreover, are investing in training Palestinian instructors to bring down costs. According to one former Palestinian intelligence commander, “It costs us \$30,000–\$40,000 to send a trainee to [the] U.S., but only \$10,000 to bring a U.S. instructor to Jericho to teach 80 [students].”²

For this reason, the USSC also allocated \$10 million in 2007–2010 to upgrade the Jericho Training Center, which provides basic training for the National Security Forces and the Presidential Guard, while various EU member states provided \$8.25 million for the construction of the new Jericho Police Training Facility.

However, the greatest success is the Palestinian Academy for Security Sciences, which opened in September 2007 to upgrade the PASF and unify training—for all branches, although it was the pet project of the former head of General Intelligence. It was originally conceived by an act of the Palestinian Legislative Council in 2005, before the United States and EU resumed their security assistance to the PA, which they had suspended after the outbreak of the second intifada in late 2000. The academy is the closest thing to having a genuine indigenous capability for human resource development in the PASF, with an all-Palestinian teaching and administrative staff.

Since its launch, the academy has had an annual intake of some 165 cadets, who graduate from a one-year program with vocational diplomas in either security or police sciences. While the academy is fully funded and equipped by external assistance, its donors include non-Western countries such as Malaysia and Turkey—a fact reflected in the naming of its “Ataturk Library.” An ambitious development plan foresees offering bachelor’s degrees in information technology, administration, and law and expanding the student body to 1,200, distributed between the one-year and four-year programs.

Such progress is due in large part to PASF commanders who have demonstrated greater will than before to implement programs aimed at increasing professionalism and technical skills. Moreover, they receive consistent support from Fayyad, with political backing from Abbas, who has made securing donor assistance for the security sector a priority. However, with the significant exception of the Palestinian Academy for Security Sciences, the system in place offers nothing more than training in technical skills. Missing is a “joined-up” system that can evaluate impact, modify methods and curricula, contribute when requested to the modification of policies and laws by government and legislature, and reassess the distribution of functions and capabilities among the various PASF branches. This is an institutional failing.

The *Security Sector Strategic Plan 2011–2013* (SSSP)—which was drafted by a unit of the West Bank Ministry of Interior with the assistance of consultants

seconded and paid for by the United States—ruefully observed in February 2010 that the sector has so far produced “uncoordinated development plans, strategic frameworks on the vision, mission and strategic objectives, minor programmes and projects, or strategies of certain agencies.”³ This is very much a Palestinian shortcoming, as the donor focus on technical assistance has been reduced to “a cluster of activities, which provide equipment and training to selected individuals and groups and prevent undesired actors from exerting influence.”⁴

Several sources are to blame for this problem. On the one hand, the West Bank security sector has not designed its own curricula, which means the varying external forms of aid it receives are not adapted, standardized, and

A decade and a half after it was established, the West Bank security sector still lacks coherence and autonomy from donors.

integrated according to local needs, experiences, and capabilities. On the other hand, the donor effort remains disjointed overall, despite considerably greater coordination between the USSC and EUPOL COPPS since 2007.

The two missions deliberately left out the critically important intelligence agencies from their area of authority, even though these agencies received the lion’s share of donor assistance until 2006 and continue to receive off-

the-books support. This is largely because relations with these agencies are handled covertly by the CIA and, to a considerably lesser extent, certain of its Western sister services. A secondary reason is that some EU member-states insist on limiting their aid to the Civil Police, which they regard as at least nominally subject to a rule of law framework. The gap also reflects the USSC’s lack of overall authority over U.S. engagement with the PA security sector: it is not privy to relations between the CIA and the PA intelligence agencies, and has no control over the Agency’s covert assistance, information flows, and operational coordination with them.

A decade and a half after it was established, the West Bank security sector still lacks coherence and autonomy from donors. Palestinian commanders express growing unhappiness with certain aspects of donor-funded training. The National Security Forces command—which receives almost all U.S. security assistance—has been leading PASF demands since early 2009 to replace foreign instructors with Palestinians. Dyncorp contractors administer all U.S.-funded training at the Jericho Training Center and at the Jordan International Police Training Center, as well as much of the civilian consultancy provided by U.S.-funding to the Ministry of Interior (MoI) in 2008–2010. This partly reflects political differences. The National Security Forces training team complains, for example, that it spends “most of its time trying to re-educate the Gendarmerie delivered from the [Jordanian International Police Training Center] and reminding them that they are Palestine’s Army.”⁵

This is not to say the PASF is ready to assume full responsibility for training. Despite greatly expanded donor assistance since 2007, the PASF has yet to acquire more than the most basic training capability. The Strategic Plan seeks

to “Palestinianize” all training by 2013, but donor officials, including members of the USSC mission, doubt its prospects for success. This may simply reveal a dismissive attitude among Western officials on short rotation toward their Palestinian counterparts.

Conversely, those who actually deliver training and advice in the field and are closest to, and sometimes embedded with, their local counterparts, hold donor practices heavily responsible for the continued weakness of PASF structures and capacity. They describe the Palestinian training directorate in the West Bank as “still a withered stump” despite years of donor support, for example, and describe the intelligence agencies as “paper tigers.”

They also complain that the Palestinian training departments they assist devote their energy to “organizing lunches and seating” for international instructors and visitors who provide “various bits of training.” These “bits” invariably contradict each other and contribute to stovepiping—the construction of segmented agencies based on personal or factional loyalty and clientelist patronage networks—and isolation of the various PASF branches from one another.

These problems have existed since the Palestinian security sector began operating in 1994. They reflect its near-total lack of genuine—that is, autonomous and sustainable—planning capability. Awareness of this problem prompted the USSC to champion and fund the establishment of a Strategic Planning Department at the MoI in 2008. The intention was to provide long-term, central planning to develop human and other resources for the security sector as a whole, and to contribute to the next iteration of the government’s Palestinian Development and Reform Plan. The USSC, along with other select donors, paid the department’s staff and foreign consultants; by April 2010, when the department was formally dissolved at the MoI’s request, the United States had spent approximately \$22 million on it.

The creation of the Strategic Planning Department as a donor-funded enclave within the MoI—which suffers an almost complete lack of institutional capability—generated tension with the USSC. It also triggered turf battles within the ministry for control of its resources: funding, equipment, and foreign consultants.

Despite the professionalism of its staff, the department failed to deliver on its original purpose and instead was used mainly for general coordination between the National Security Forces and the Civil Police. In April, it was merged with the MoI’s pre-existing Development Planning Unit to form the Strategic Development Planning Unit (SDPU). The USSC euphemistically billed the merger as “growth” and “development” in the MoI’s capacity to run its own affairs, but the new unit has been largely inactive, as the consultants who helped draft the Security Sector Strategic Plan have left. The Security Sector Strategic Plan is more a wish list than a plan, but its most significant

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contribution, arguably, is the broad indictment it inadvertently offers of the West Bank security sector and of donor practices.

The short life of the Strategic Planning Department offers a cautionary tale. It had no authority to determine human resource or equipment needs for the various PASF branches, even those supported by the USSC and EUPOL COPPS, and certainly not for the three intelligence services—the Preventive Security Apparatus, General Intelligence Department, and Military Intelligence—although the first of these is constitutionally under the MoI. Even so, the USSC has not been permitted to deliver equipment allocated to the Preventive Security Apparatus because senior PA officials and PASF commanders do not perceive it as one of the U.S. agencies—especially the CIA—able to influence “real” U.S. policy.

The experience of the Strategic Planning Department has since been replicated by the central training administration, another project housed at the MoI and also initiated and assisted by donors led by the USSC. Its role is to develop centralized training doctrine to inform and direct training in the various PASF branches. While led by competent staff, the central training administration has had little impact on PASF training teams, who see it as another donor-funded enclave. It is also subject to the familiar turf battles within the MoI, even though it controls neither its funding, consultants, nor the higher training committee, a joint board staffed mostly by retired National Security Forces generals.

The higher training committee is a legacy of the pre-2007 period that operates outside the MoI. The fact that it survives despite having little or no effect underlines how sustained donor assistance has failed to build training and planning capability within the West Bank security sector.

A donor-funded human resources management project that was started at the MoI with the aim of unifying management and promotion systems with the PASF never left the drawing board for similar reasons.

Donor willingness to continue to bridge the gap indefinitely must be questioned. Yet the SSSP complains that “many programmes and projects were not implemented because some donors did not fulfill their financial commitments, which they had pledged in Paris [2007], Berlin [2008].” More generally, it adds that “international financial support to the [MoI] and security sector is inadequate.... In addition, the process of supporting the security establishment as a whole sector, not as individualized agencies, is imbalanced and incomprehensive.”⁶ Critically, many of the PASF’s own rank and file do not believe they control their own institution. Their bottom line: “We must be able to say no.”⁷

Gaza

Saying “no” to outside interference is a problem the Haniah government and Hamas have not had to face. The political and financial boycott decreed by the

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Middle East Quartet (United States, EU, Russia, and United Nations) at the end of 2006, the Israeli economic blockade, and the Israeli-Egyptian lockdown on travel made self-reliance a necessity.

Nevertheless, the professionally trained PASF officers who joined the Hamas-run security sector after June 2007 were critical in restoring law and order in Gaza. This result shows that the Hamas-run security sector has been far more effective in utilizing the limited human resources at its disposal—as well as the training manuals, operating procedures, and administrative structures it inherited—than the rival Fatah-commanded PASF ever was from 1994 to 2007.⁸

Within a few months of the Hamas takeover of Gaza, its newly constituted police command reopened the Arafat Training Center to absorb recruits. It next reactivated the general directorate of training to conduct both “specialist and security training” for all PASF branches; 750 cadets went through its officer qualifying courses in 2008–2010.

Separately, the Hamas-led MoI established an Institute for Paramedic Training to boost PASF auxiliary services—Civil Defense and Military Medical Services—which serve the general public. Most impressive, however, is the Palestine Police College, which opened its doors in October 2009 to 150 cadets. These cadets are the first to undergo a three-year program, and will graduate with the rank of lieutenant and either a bachelor’s degree or a vocational diploma in police and security sciences.

While the quality of training and recruitment are unknown, these developments indicate a meaningful planning capability. The Gaza MoI has real autonomy in setting objectives for the Gaza PASF, determining which skills are most needed and tailoring training accordingly, while keeping manpower numbers in line with resource and opportunity constraints. Dozens of security and police cadres were sent to Syria, Iran, and Sudan for training even before the Hamas takeover of Gaza in June 2007, and more have followed since. In contrast to the mélange of security “schools” in the West Bank, trainees acquired skills and know-how abroad that were integrated with local methods once they returned to Gaza. Additionally, in May 2010, the Gaza PASF inducted 200 new police recruits after a review concluded that it needed to improve the balance of noncommissioned ranks to commissioned officers.

An activity report issued in mid-October by the Gaza MoI shows how its approach differs from that of the West Bank. The MoI claimed that it had run eighteen training courses for 333 of its civilian employees—a considerable proportion of its total—since January, covering a range of skills, from time, human resources, and computerized budget management, to strategic planning, creative thinking, and effective delegation. The quality and impact of this training cannot be verified and the West Bank security sector possibly receives a greater overall volume of specialist training

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from its outside donors. But what is significant is that the Gaza security sector has independently perceived the need for such training and allocated scarce financial and material resources for the purpose. Whether or not it is truly effective, it wants to appear to its public as capable of performing these tasks and providing a professional service.

Under Hamas's command, the Gaza security sector reveals a striking cognitive process: problems are "seen" and identified as such, triggering a deliberative process of devising responses, assessing results, and refining or revising initial approaches. The ability to establish this "observe, orient, decide, act" loop in Gaza demonstrates that the failings of the West Bank PASF are not an inherent Palestinian flaw, and can be reversed. The problem lies in how relations between the security sector and political authority are structured and managed.

Chain of Command and Civilian Control

The Haniah government's ability to end the armed lawlessness and security anarchy that prevailed in Gaza before June 2007 stems principally from its establishment of a clear chain of command and to civilian control of the security sector, exercised by an empowered minister of interior. Where the Gaza PASF branches and MoI are effectively integrated, however, the West Bank security sector is deeply divided: directives come down from individual commanders and information flows up to them, with little lateral coordination with other branches in either case. Not only does this "stovepiping" hinder

the development and performance of the PASF, it also perpetuates the chronic weakness of the MoI and undermines its public outreach.

West Bank

After it was formed in late June 2007, the Fayyad government moved swiftly to reorganize and rationalize the PASF. This resulted in six main operational branches and two smaller ones, besides auxiliary services, with formal control divided between the PA presidency and the MoI.

In practice, however, Fayyad meets weekly with PASF commanders, with Abbas supporting him when needed. This arrangement has proved effective, helped by good working relations with successive ministers of interior: first, the politically independent Abdul-Razaq al-Yahya, followed by Fatah loyalist Sa'id Abu-'Ali, who took the post in a cabinet reshuffle in May 2009.

No guarantee exists that this informal arrangement can exist indefinitely; it has no grounding in the Basic Law, the PA's constitutional document. Moreover, it does not constitute effective oversight, since there is no functioning parliament. The arrangement works only as long as Abbas shields Fayyad from the more ambitious and fractious members of the Fatah Central Committee. The latter resent their exclusion from key cabinet posts by Fayyad,

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a political independent, and still smart from his reforms, which included placing thousands of Fatah members from the PASF payroll, along with many high-ranking veterans, on retirement in 2007–2008.

The lack of a clear chain of command and unambiguous civilian control is most obvious in relation to the Preventive Security Apparatus and the General Intelligence Department. Fayyad and the two ministers of interior were only able to partially curb the agencies' human rights abuses after a personal intercession by Abbas in October 2009. This success proved temporary, however; the use of torture has reportedly returned to its previous levels in recent months, with 106 complaints of this practice being registered by detainees between January and September 2010, prompting Human Rights Watch to describe impunity among PASF officers as “rampant.”⁹

The government has neither been able to implement a 2008 decree merging the two main intelligence agencies, nor clarify the legal status of a third agency, Military Intelligence. This is at least partly because Abbas, or his immediate entourage, has played a considerably larger behind-the-scenes role in managing the PASF than is commonly assumed, especially with respect to regime security as well as the campaign targeting Hamas and, increasingly, other opposition groups.

It does not help that the prime minister's office lacks a dedicated unit for security affairs. Without in-house expertise, Fayyad's oversight of the security sector cannot provide long-term direction but rather focuses on day-to-day management. One example of the problem is the weekly incident reports prepared by the MoI for Fayyad. Not only does the president's military secretary duplicate this effort independently for Abbas, but the raw data are not processed into trend analysis and predictive assessments.

The United Kingdom has repeatedly proposed models since 2000 to provide a support body—varyingly a national security council, a PASF operations room, and an office of national security under the prime minister—along with detailed procedures and job descriptions, but none have come into being. Among other things, this may reveal the limits of Fayyad's influence and reflect the determination of the PA president's office, if not of Abbas himself, to retain effective control over the security sector.

The Strategic Planning Department promised at first to provide the missing in-house capability. If nothing else, its staff (now working for the successor Strategic Development Planning Unit) and foreign consultants recognized that existing plans and projects express the needs only of individual PASF branches rather than the needs of the PASF “as an integrated sector.”¹⁰

No less important was the newfound energy imparted by Interior Minister Abu'Ali, who was appointed in May 2009. Stung by the “new Palestinians” speech delivered in Washington, D.C., by then USSC Lt.-Gen. Keith Dayton that same month—which many Palestinians took to suggest that the rebuilt

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and retrained National Security Forces were American-led collaborators with the Israeli occupation—he sought to limit the USSC’s influence and to reassert government authority over the security sector. A year later, however, Abu-‘Ali had lost much of his initial momentum and tendered his resignation, although he subsequently remained in his post.

The efforts of the Strategic Planning Department and Abu-‘Ali at textbook reform were genuine, but remained a top-level process representing the MoI, rather than the security sector as a whole. As a result, the efforts were superficial and did not have “robust, if any, effects on other nodes in the system.”¹¹ None of the PASF branches “actually work with one another formally except through extremely narrow stovepipes,” that is, their individual commanders.¹² Any effective interagency cooperation is largely due to the governors, who

The MoI’s inability to bridge the gap between political leaders and the security sector is both the problem’s cause and effect.

report to the PA president and represent him locally. They oversee governorate-level security committees in which the main PASF branches are represented and which parallel, and effectively circumvent, the MoI.

The autonomy of the Preventive Security Apparatus and General Intelligence Department, in particular, and of the governorate structure creates an anarchic process, as do Fayyad’s well-intentioned efforts to maintain direct

relationships with individual PASF commanders. The security professionals, in the words of one knowledgeable observer, “go about their business in the eye of a storm and not in control of the process that is swirling around them.”¹³ Consequently, the suggestion by a Jerusalem-based Western security analyst in January 2010 that Palestinian security reform “has gone on autopilot” may suggest a process that is self-driven and sustained, but in fact is unmanaged.¹⁴ In any case, it is being superseded by adverse developments at the MoI.

The MoI’s inability to bridge the gap between political leaders and the security sector is both the problem’s cause and effect. Until his death in 2004, then Palestine Liberation Organization (PLO) Chairman and PA President Yasser Arafat maintained the PASF as his own preserve, denying the MoI any control over it whatsoever. Six years later, the ministry has yet to exercise more than nominal authority over PASF recruitment, procurement, and pay. Fayyad continues to negotiate directly with the commanders of each PASF branch over their budgets.

Nor has the MoI adopted a meaningful role in civilian affairs: it cannot issue passports without Israeli approval, has been largely supplanted by the Israeli Civil Administration in granting residence or entry permits since 2002, and has no responsibility for local government. A significant number of MoI personnel and assets, moreover, were lost in the Hamas takeover of Gaza in 2007, leaving the newly appointed minister of the interior in Ramallah in charge of a virtually hollow agency.

Providing the West Bank MoI with the managerial skills and technical competencies to rehabilitate and upgrade its civilian departments remains an

almost insurmountable task. The fundamental lack of U.S. and EU investment in rebuilding the ministry has not made things easier; their support for enhancing in-house planning capacity was almost wholly concerned with PASF force-building and disregarded the ministry's woefully underdeveloped civilian functions and administrative superstructure.

The reassertion of nominal Palestinian control over the security sector after Dayton's May 2009 speech led the USSC to end his mission's direct engagement with PASF branches and officers and to channel all contact through the MoI. Ironically, this left the MoI even worse off. The USSC mission, now led by Dayton's successor, Brigadier General Michael Moeller, has ceded any involvement with the wider security sector to more influential U.S. agencies, such as the CIA.

The MoI continues to struggle. While it relaunched its website and developed public interface portals on the Civil Police website, it has no real in-house administrative capacity nor a functioning, online public service system. Most telling is its failure to establish an inspector general's office within the MoI, which the USSC urged. The purpose of the office was to exercise central oversight and to develop internal inspection units within the PASF branches, but appointing a sufficiently senior officer to the post proved impossible. Internal and inter-service rivalries explained this in part, but the relationship of the MoI with the PASF branches—even those under its nominal control—is so tenuous that an inspector general would probably have been unable to fulfill his task. The USSC's inability to complete this project speaks to the dysfunctional synergy between donor politics and the West Bank security sector.

Providing the West Bank MoI with the managerial skills and technical competencies to rehabilitate and upgrade its civilian departments remains an almost insurmountable task.

Gaza

Hamas immediately asserted unambiguous civilian control over the security sector after it took over Gaza in June 2007. Paradoxically, the Fayyad government's decision to order the 54,000 PASF personnel nominally on the payroll in Gaza not to report for duty removed, in one stroke, the hostile and uncooperative security sector the Haniyah government had struggled to work with since taking office in March 2006. It then set out to establish its own, new security sector.

Then–Interior Minister Said Siyam created a new police command under veteran Fatah officer Tawfiq Jabr, who had refused to observe the “stay-home” policy. Jabr was given the authority to reorganize the Gaza PASF. He first separated the military wing of Hamas, the Izzedin al-Qassam Battalions (IQB), officially from the PASF, ending its overt internal security role. The 2,500 IQB members who had been serving as part of a rudimentary police force known as the Executive Force—and causing considerable damage to the movement's standing among the public and human rights organizations with their

sometimes brutal methods—were reassigned to border defense and the confrontation with Israel. The IQB continues to underpin the Gaza security sector, if only because internal adversaries know it may be deployed against them. The official separation of the IQB has nonetheless reinforced the status of the Gaza PASF, which exercises primacy in implementing law and order.

Jabr next combined the two main intelligence agencies into one, naming it the Internal Security Apparatus. He also disbanded previously autonomous branches, such as the presidential guard, special unit, and military intelligence, or else “civilianized” them by bringing them under the Civil Police, as happened as well with the military police and the naval force. By October 2007, the PASF shrank from about a dozen operational branches to just four.

Civilian authority over the Gaza PASF—which was previously split between the PA president and the government in a 2003 constitutional reform—has belonged since June 2007 to the interior minister, who reports, in turn, to the cabinet. In contrast to the West Bank MoI, one of Siyam’s first steps was to appoint an empowered inspector general to enforce discipline within the PASF and end the more severe excesses of the Executive Force. His appointee,

veteran Hamas cadre Hasan Saifi exercises considerable influence within the security sector and is supported by branch offices in Gaza’s five governorates.

These developments partly reflected the sheer force of Siyam’s character, as well as a realization that the Haniah government’s domestic legitimacy rested largely on developing a convincing public-service ethos. The assertion of undisputed civilian control allowed for a transformation

of the MoI. Its civilian departments and its administration of public services have evolved continuously. The most obvious example of this has been the development of online services enabling Gaza residents—who, despite being under siege, have remarkably high Internet access and usage rates—to register births and deaths, apply for passports and other documentation, register companies and nongovernmental organizations (NGOs), download needed forms, and submit complaints online.

This is not to say the Gaza security sector is democratically governed or entirely focused on impartial, public service. Nor does it mean the Haniah government exercises decisive control. Hamas clearly enjoys the determining influence, but has exercised it through two of its civilian members in succession, both forceful personalities with close ties to the da’wa proselytizing arm of Hamas. Civilian control is real, albeit closer to the nondemocratic model of civil-military relations under communist party rule in the former Soviet Union or Warsaw Pact countries. As different power centers within Hamas struggle for control, however, the security sector faces a potential challenge to its cohesion and loyalty.

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Partisanship

Despite many obstacles, technical skills and public service have improved in both the West Bank and Gaza. Nonetheless, what drives the two security sectors is their determination to help their political leaders and dominant parties to maintain political control. Their partisan nature is their most salient common trait.

Notably, the Civil Police is the least partisan agency in both regions. This is partly due to the legacy of policing in the occupied territories before the PA's establishment: local policemen were often regarded as collaborators with Israel, and after the 1993 Oslo Accords, Palestinian nationalists preferred to join the new, untainted intelligence agencies or the National Security Forces, which were the successor to the PLO's Palestine National Liberation Army.

Both Palestinian governments have tried to improve the public perception of the Civil Police since 2007, but it remains the PASF's "poor cousin": the Preventive Security Apparatus and General Intelligence Department in the West Bank, and the Internal Security Apparatus in Gaza, are able to acquire relatively sophisticated equipment—such as eavesdropping devices—while the Civil Police suffers from severe shortages of vehicles, radios, and stations, and its forensics capability is primitive or nonexistent. Contrary to claims by both Palestinian governments and by the USSC and EUPOL COPPS, the Civil Police does not enjoy primacy among PASF branches. Political control outranks "public service."

West Bank

As they try to build a professional force, government ministers and PASF commanders alike in the West Bank have tried to argue that they strictly forbid political activity and party affiliation within the ranks, even to Fatah. Nevertheless, photographs in the local press of uniformed personnel of the retrained National Security Forces battalions publicly marking the anniversary of Fatah's founding in January 2010 suggest the contrary.

More significantly, Fatah loyalists again took command of the Preventive Security Apparatus and the General Intelligence Department when their longstanding directors were compelled to retire in 2009 as part of the effort to apply proper procedure, in this case the standard retirement age. The incoming directors were immediately promoted, not on the basis of their professional qualifications and seniority, but rather to bring them into line with their organizational rank in Fatah.

Fatah's bitter rivalry with Hamas certainly impedes any serious thought of depoliticizing the PASF, which remains overwhelmingly a Fatah preserve. Besides, the PASF still acts as a social safety net and patronage system: many officers who are considered unsuitable for service and have no formal posting,

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but who do not qualify for a pension, still receive pay as if on active duty. Insiders confirm “very few real agents” work in the three intelligence agencies, whose covert nature makes it especially easy to hire relatives and friends as paid informants. As a result, Fatah members and supporters account for a large number of personnel at the three agencies, currently estimated at 8,000 to 9,000 people. It is these agencies that have spearheaded security campaigns against Hamas in the West Bank since June 2007.

Gaza

Partisanship does not differ substantially in the Gaza PASF, although the numbers involved are considerably smaller. As in the West Bank, the Internal Security Apparatus—believed to be some 1,000 people strong, with up to 5,000 informers—takes the lead in suppressing public activity by political opponents, above all Fatah, and, since 2009, militant jihadi Islamists. It is so heavily staffed by Hamas cadres that it more closely resembles a party apparatus.

Enhanced technical capability and growing professionalism do not guarantee the rule of law and democratic governance of the security sector.

The Security and Protection Apparatus—1,000 to 1,600 people strong—also includes many Hamas members, along with an unknown number of former PASF personnel who rejected the “stay-home” policy and joined the Hamas-commanded PASF after June 2007. The latter apparatus

spearheads enforcement of Islamist morals in public, prompting Human Rights Watch to label it a “morality” or “virtue” police, although government officials insist it is not a Saudi-style *mutaw’ah*, or religious police force.

More broadly, party affiliation remains an important factor in the appointment, rotation, or promotion of senior officers in the Gaza PASF, though less than under the Fatah command. This is separate, of course, from the IQB, which is effectively a Hamas militia, although many of its members did not start out as party members and did not undergo ideological indoctrination. The IQB also offers the one clear contrast with its rivals in the West Bank, where Fatah militias were disbanded by 2008, and the PASF is now the only meaningful armed force.

Authoritarian Transformation

The picture is familiar: enhanced technical capability and growing professionalism do not guarantee the rule of law and democratic governance of the security sector. Indeed, in both the West Bank and Gaza, the very same political leadership that understood the need for effectiveness and efficiency in providing law and order also oversees an authoritarian transformation of the security sector; at best, it is proving powerless to halt or reverse it. The Fayyad and Haniah governments both stress their strict adherence to the rule of law and genuine observance of human rights, while their respective security sectors

publicize the formation of complaints and human rights units within the two ministries of interior and Civil Police branches, and engage in what at times appears to be nonstop human rights training.

The concern with public image is clear in both regions. West Bank and Gaza police alike receive public relations training, while their public relations departments, or those of the respective MoIs, publish websites and monthly newsletters “designed to spur communication” between the public and the PASF.¹⁵

However, these statements and measures increasingly appear formalistic, not to mention self-serving. The critical problem is the complete lack of democratic governance. Every action taken by the Fayyad and Haniyah governments only strengthens executive power and weakens commitment to legislative and judicial oversight of the security sector.

This is a far cry from the commendable framework for security sector reform drafted by the PA’s short-lived Technical Team for Reform in early 2007. The draft framework stated that:

1. The security apparatus is bound by a civil vision, which is led by the political authority. In this context, security agencies implement instructions issued by the political leadership.
2. Security personnel must be loyal to the Palestinian Basic Law. They should also work towards establishing the rule of law.
3. The security apparatus may not exercise influence over the making of political decisions, unless it is requested to do so. While on duty, security commanders and personnel may not perform political or partisan activities.¹⁶

The manner in which the West Bank and Gaza security sectors deal with human rights abuses is revealing. Official spokespersons for both sectors periodically report the number of PASF personnel who have been disciplined, but rarely reveal the breakdown of those tried for human rights violations versus those punished for service infractions. Nor is it always clear how many trials have been held in response to complaints filed by the public or by human rights organizations. Human Rights Watch stated in October 2010, for example, that the West Bank “PA has been extremely lax in prosecuting security officials for torture and ill-treatment of detainees,” adding that it knew of only one instance in which officers had been prosecuted for allegedly torturing a detainee to death in June 2009, for which they were acquitted.¹⁷

The Independent Commission for Human Rights—the official ombudsman agency established by presidential decree in 1994 that operates in both the West Bank and Gaza—has been able only erratically to enforce the law requiring the PASF to provide it with information about specific instances of detainee abuse or unlawful arrest, or to find out about investigations or

Every action taken by the Fayyad and Haniyah governments only strengthens executive power and weakens commitment to legislative and judicial oversight of the security sector.

prosecutions of individual officers. In the very few cases where the PASF has been forthcoming—usually following especially severe public outrage—the commission has succeeded in obtaining information only after lobbying Abbas or the pertinent prime minister in person.

Whether in the West Bank or Gaza, the security sector selects what to report to the public, how, and when it chooses. In practice, human rights are bestowed or withheld as a matter of discretion, rather than as an obligation under the PA’s Basic Law. The Palestinian Legislative Council and its committees do not function at all in the West Bank and provide no parliamentary oversight, while questioning the Hamas-commanded security agencies by the Hamas bloc in the legislature in Gaza does not constitute proper parliamentary interpellation.

The ambiguity surrounding the mandates of certain PASF branches has not helped, but neither have the two governments. In November 2007, Abbas expanded the powers of the Preventive Security Apparatus to make arrests and run detention facilities, for example. In Gaza the Internal Security Apparatus routinely performs roles properly belonging to the Criminal Investigations Department. The jurisdiction of military courts in both the West Bank and Gaza has been broadened in parallel to include civilians accused of criminal offenses, in direct contravention of PA law.

Table 2. Security Expenditure, West Bank and Gaza Strip, 2010

	\$ millions	% of total payroll
Fayyad government		
Total public payroll	1,520	-
Security sector payroll (including Gaza component)	620	40.8
Security sector payroll (excluding Gaza component)*	300	-
		% of total budget
Total budget	3,559	-
Security sector total budget	796	22.4
Donor assistance (est.)**	150–160	-
Total security expenditure	946–956	26.9 (effective)
Haniah government		
		% of total payroll
Security sector payroll (est.)***	132	44

* This is calculated assuming 29,000 personnel (PASF and MoI) in the West Bank and 31,300 in the Gaza Strip, and using the total payroll shown.

** This is calculated from total U.S. assistance of \$400 million approved by Congress for 2008, 2009, and 2010, and from assistance channeled through EUPOL COPPS worth \$47 million between mid-2008 and mid-2010.

*** This is calculated assuming that PASF and MoI personnel constitute approximately half a public payroll of up to 34,000, which costs around \$300 million per annum.

As constitutional checks and balances have receded, human rights organizations have themselves come under attack in both regions. For example, the Independent Commission for Human Rights saw its work obstructed in both Gaza and the West Bank as tensions grew in May 2010 between Hamas on the one side, and Fatah and international aid organizations on the other. Hamas Interior Minister Fathi Hammad regarded protests against the execution of convicted criminal offenders and collaborators with Israel that month as “siding with the criminals at the expense of the victims.”¹⁸ Meanwhile, his colleague, Minister of Justice Mohammad Faraj al-Ghoul, accused human rights organizations of being “not fully impartial and objective between the two [governments] and allowing political bias to colour their stance.”¹⁹ These criticisms have not resulted in actual reprisals, but in the West Bank direct assaults on human rights organizations and independent media reporting abuses have increased since May.

The disruption by hundreds of plainclothes officers belonging to the General Intelligence Department of a political rally in Ramallah in August 2010 is particularly revealing. The gathering—which was attended by reform-minded Fatah cadres, among others—was scheduled to be addressed by Mamdouh Aker, director-general of the Independent Commission for Human Rights; Mustapha Barghouthi, former presidential candidate and head of the National Initiative, which was founded in 2002 as a “democratic third force” between Fatah and Hamas; and businessman Munib al-Masri, who has headed the Palestinian National Reconciliation Committee since 2009 at Abbas’s request. Media and human rights observers who then arrived on the scene were attacked.

The incident highlighted how tenuous civilian control over the security agencies has become. Fayyad immediately took responsibility, although he was not implicated in the attack, which was more likely to have been instigated by members of Abbas’s entourage. For his part, Abbas ordered an investigation. It is likely to have little effect, however, as previous committees of inquiry have not publicized their findings, if any were reached, and have not led to discernible changes in PASF practice. Indeed, local authorities promised another inquiry merely a week later, after police fired hundreds of bullets in the air to intimidate stone-throwing youths resisting a midnight arrest raid by PASF personnel in Dheisheh refugee camp.

The General Intelligence Department announced in mid-January 2011 that it would no longer present detainees for trial in military courts or conduct arrests without proper warrants from the attorney general, but past precedent suggests that any improvement will be temporary.

Whether in the West Bank or Gaza, human rights are bestowed or withheld as a matter of discretion, rather than as an obligation under the PA’s Basic Law.

Strikingly, in these various incidents the security agencies were not acting at the behest of Fatah, which has long ceased to function as a coherent organization. The agencies have received support and encouragement from former commanders who were elected to Fatah's Central Committee in August 2009, but this body lacks any actual control and the agencies act with increasing autonomy. The open political infighting between the most prominent of these former commanders, Mohammad Dahlan, who formerly headed the Preventive Security Apparatus, and Abbas toward the end of 2010 moreover showed how limited their residual influence is. Intelligence officers and Fatah

The most visible face of the authoritarian trend is the accelerating Islamization of Gazan society.

members believed close to Dahlan were questioned by the General Intelligence Department, which answers to Abbas, confirming the fluidity and lack of clear lines of authority in the West Bank security sector.

The assault on public freedoms has also intensified in Gaza since January 2010. The Hamas-led security sector represses not only Fatah but its own allies whenever they

have objected to particular policies or measures. Rabah Mhanna—Politburo member of the secular, left-wing Popular Front for the Liberation of Palestine and its senior official in Gaza—complained openly in February of the “repressive method that dominates Hamas thinking.” In the following months the police repeatedly broke up public gatherings held by the Popular Front to protest the government's new levies on consumption and its failure to end daily power cuts.²⁰ And in August, police cracked down harshly on a large rally by the Islamic Liberation Party, an ideologically militant but unarmed organization.

The most visible face of the authoritarian trend, however, is the accelerating Islamization of Gazan society. Above all, this has meant assertive “moral enforcement” by the police: increasingly severe restrictions on women, especially in the public sphere, even though this action has no basis in law. The MoI has also instilled fear and suspicion in the public by launching a widely advertised hunt for collaborators with Israel in May. Its response to concerns has been to admonish the public for circulating rumors and hearsay and to advise Gazans pointedly to seek information only from so-called “official sources.”

This striving for hegemony is supported by the extensive dovetailing of the security sector with the proselytizing arm of Hamas, da'wa, and its network of mosque emirs and informers. The Haniah government lacks the resources necessary to attain this degree of social control, however; the compression of public space is less a result of its policies than a consequence of competition among power centers within Hamas, and of its effort to deflect ideological challenges from more militant salafi jihdis. This, moreover, is where the IQB may be re-emerging as a player even if it holds back from direct intervention in policing, as many in its rank-and-file share the jihadi outlook and disdain those Hamas government officials who they believe have gone soft in power.

The Challenges Ahead

The authoritarian transformation in Gaza demonstrates that technical development and institutional capacity building in the security sector do not guarantee democratic governance, and may even be irrelevant to it. Improved professional skills and equipment have contributed to law and order in the West Bank security sector, but sustained American and EU assistance has not prevented it from moving toward authoritarianism.

Indeed, U.S. and EU willingness to play make-believe—building PASF operational capability in the name of a rule-of-law framework that does not exist—further erodes any prospect of restoring democratic, constitutional government. Equating training with reform—if the former is “a good thing,” then the latter must be happening—is problematic, since proper use of the skills acquired is wholly dependent on implementation of a rule-of-law framework that cannot be assured without liberal democratic governance.

Changing the order of political and technical priorities in the security sector requires achieving genuine “ownership,” reintegration of the West Bank and Gaza PASF, a monopoly on the legitimate means of force, and re-engagement of Palestinian democratic institutions and civil society stakeholders. National political conditions within the PA, Palestinian relations with Israel, and U.S. policy make these challenges exceedingly difficult, probably insurmountable. But unless they are met, the authoritarian transformation of Palestinian politics will continue, gains made in professional policing will be in danger, and security within the West Bank and Gaza will degrade once again.

Ownership

Despite their very different circumstances, both Palestinian security sectors are becoming more technically proficient and professional. Their basic models of policing—along with their underlying social norms and political values—reveal greater similarity than one might expect. The critical difference lies in who oversees their development.

The Gaza PASF may not be superior in technical skills and especially not in equipment, but its purpose and direction are its own. This is despite—or perhaps because of—being denied donor support. In the West Bank, conversely, as an embedded foreign adviser observes, “The Palestinians do not control their own [security] sector, not the Ministry of Interior, not Salam [Fayyad], and not the president.”²¹ Rather, it is the USSC and EUPOL COPPS missions and American agencies, such as the CIA, which influence funding decisions. Indeed, given increasingly patent USSC dissatisfaction with EUPOL COPPS,

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coupled with the retreat of the USSC from a sector-wide role, it is the U.S. “agencies of power” that increasingly exercise real command over the purpose, priorities, and content of Palestinian training and security sector development in the West Bank. All this is of course conducted within the overarching matrix of full Israeli control of access and movement, exit and re-entry of trainees and advisers, import of arms and equipment, and the vetting of recruits.

Ownership also helps explain why the Gaza security sector constitutes a joined-up system, while its West Bank counterpart does not. The focus of the USSC and EUPOL COPPS missions on technical, rather than political, support has allowed them to disengage from any meaningful role in helping, or prompting, the PASF to achieve effective complementarity and integration among its various branches. This is most evident, according to the same adviser, in the “absolute disjointedness of international engagement within the intelligence sector,” which also spearheads authoritarian transformation in the West Bank.²² The SSSP, moreover, complains of donor “reliance on mediators with security agencies, thereby adversely impacting capacity building within the security sector... As a result, the security sector has been perceived as a ‘recipient’ of support not as a ‘leader, owner and partner’ in security programmes and projects.”²³

Reintegration

The issue of ownership also arises in relation to possible reintegration of the West Bank and Gaza security sectors. The USSC and EUPOL COPPS missions have essentially written off Gaza. Indeed, the 2008 update of the 2005 EU memorandum of understanding with the Israeli government regulating the role of EUPOL COPPS specifically bans it from operating in Gaza and would have to be amended to take account of new developments as they may arise.

Conversely, Palestinian planners and reformers stress the need to anticipate the possibility of national reconciliation. Israeli opposition to any role for Hamas-trained cadres in a reintegrated West Bank PASF renders the question largely moot, but does not eliminate it altogether. Hypothetically at least, Gaza could be brought back under the control of the West Bank PA, whether through a power-sharing agreement between Fatah and Hamas, general elections, or

a forcible takeover of Gaza, whether by Israel or by PASF forces loyal to Fatah and the Fayyad government.

Whatever the scenario, reintegration presents awkward questions. First, it will be hard to justify restoring PASF personnel in Gaza who observed the stay-home policy to active service, as the Hamas-led security sector has demonstrated that most of them are not needed: the number who still receive salaries

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from the West Bank is estimated at between 31,350 and 36,500. Second, a back-of-the-envelope calculation suggests that at least 40 percent of the nominal value of Western security assistance to the West Bank PASF is spent on donor administrative overheads, implementing agency contracts, and the fees and per diems of foreign consultants. The latter item alone is estimated by PASF officers to amount to 20 percent of the total. While this may be exaggerated, it points to an added source of resentment and offers a sharp contrast with the Hamas model. Finally, what justification can there be to replace the Gaza MoI, which functions as a real ministry with effective public service delivery and outreach, or subordinate it to its failing West Bank counterpart?

Monopoly on the Means of Force

The Hamas-led security sector has a clear and potentially decisive advantage in its full operational autonomy and uncontested territorial control over virtually all of Gaza. By contrast, all West Bank PASF training facilities are concentrated in the single area of Jericho, underscoring how severely PA autonomy is restricted in the rest of the West Bank.

The Hamas-run general directorate of training has facilities in northern, central, and southern Gaza and can move instructors and trainees around at will. The announcement in July 2010 by Hamas Interior Minister Hammad of his ambition to establish a military college in Gaza “in coming years,” along with his proposal to require national service in the future, is a clear case of overreaching. But while it will almost certainly prove impossible to carry out, the mere suggestion highlights the advantages conferred by the exercise of continuous authority over population and land.

However, the Haniah government does not exercise a monopoly on the legitimate possession or use of the means of violence any more than the Fayyad government does. Indeed, both governments face challenges even seeking such a monopoly.

In the West Bank, the PASF operates freely in only a few cities, where it shares operational jurisdiction with the Israeli Defense Force; it is excluded altogether from 60 percent of the territory, must also avoid armed Israeli settlers, and is confined to barracks from midnight to 6:00 a.m. even inside PA-controlled cities.

In Gaza, the government’s rhetoric of “armed resistance” is no longer used, but it justifies the autonomy of the IQB, which acts under orders from the Hamas leadership in exile. This rhetoric, moreover, allows other Palestinian militant factions in Gaza—both Islamist and secular—to maintain their own, smaller paramilitary wings. In both regions, the duality of coercive power is officially legitimized, striking at the heart of democratic accountability.

Both Abbas and Fayyad face an uncertain future if there is no credible movement toward statehood within the coming year.

Democratic Governance and Stakeholder Engagement

Professionally trained officers in the West Bank PASF appreciate the improved operational capability they have acquired with donor assistance, but worry about the “missing legal framework and weak oversight mechanisms” and the absence of “an inclusive national security policy formulation process.”²⁴ Their counterparts in Gaza share this concern. Paradoxically, neither the Fayyad nor Haniah government is actually powerful. Rival factions within Fatah and Hamas—and their extensions in the respective security sectors—are increasingly out of sync with their own governments.

In the West Bank, the intelligence agencies are emerging as autonomous power centers that acknowledge no higher, constitutional authority, even that of factions within Fatah with which they are closely allied. Both Abbas and Fayyad face an uncertain future if there is no credible movement toward statehood within the coming year; they could be turned into little more than the civilian face for yet another Arab polity run by the mukhabarat (secret police), in this case with a strong, even pervasive behind-the-scenes role for Israel and the CIA. In Gaza, security services are exercising growing power within a coalition of sorts with Interior Minister Hammad and the da’wa arm of Hamas as they seek to demonstrate their superior ability to control the territory.

The PA’s technical team for reform hoped in 2007 that a national vision for the security sector would be developed by “all stakeholders, including the Palestinian President’s Office, the Government, the Palestinian Legislative Council (PLC), political parties, factions, civil society organisations and private sector representatives.” This is unlikely to happen without an inclusive process of the sort envisaged here.

Restoring a system of checks and balances—above all through the reconstruction of democratic governance—is essential to curbing the authoritarian trend, but it seems exceedingly remote. Without it, state-building can only be a partisan exercise, leading to anything but statehood.

Notes

- 1 From Security Sector Strategic Plan 2011-13 Draft 3, February 8, 2010, 14.
- 2 Author's interview with Major General Tawfiq al-Tirawi, then Director-General of the General Intelligence Department, Ramallah, June 23, 2008. Al-Tirawi also claimed that it cost up to \$10 million to train one PASF brigade abroad, but only \$300,000 at home. "Its Former PA Security Chief Criticizes Training Protocol," Ma'an News Agency, November 4, 2010, <http://www.maannews.net/eng/ViewDetails.aspx?ID=330687>.
- 3 Security Sector Strategic Plan 2011-13, 12.
- 4 Roland Friedrich and Arnold Luethold, "And They Came In and Took Possession of Reforms: Ownership and Palestinian SSR" (Chapter 10), in Timothy Donais, ed., *Local Ownership and Security Sector Reform* (Geneva: Geneva Centre for the Democratic Control of Armed Forces [DCAF], 2008), 192.
- 5 Author's correspondence with foreign adviser, name withheld, April 7, 2010.
- 6 Security Sector Strategic Plan 2011-13, 13, 15.
- 7 PASF officer cited in "Building Ownership in Palestinian Security Sector Reform," DCAF Spotlight, no. 6, February 2010, 4.
- 8 For a recent detailed account of the Hamas-led security sector in Gaza, see Yezid Sayigh, "'We serve the people': Hamas Policing in Gaza," Crown Paper, Crown Center for Middle East Studies, forthcoming.
- 9 Human Rights Watch director Joe Stork quoted in, "West Bank: Reports of Torture in Palestinian Detention: Two New Cases Among More Than 100 in 2010 Alleged Against Security Services," October 20, 2010, <http://www.hrw.org/en/news/2010/10/20/west-bank-reports-torture-palestinian-detention>.
- 10 Security Sector Strategic Plan 2011-13, 13.
- 11 Author's correspondence with Rob Blecher, director, Arab-Israeli project, International Crisis Group, September 21 and October 19, 2010.
- 12 Author's correspondence with foreign adviser, name withheld, October 11, 2010.
- 13 Author's correspondence with Rob Blecher, director, Arab-Israeli project, International Crisis Group, September 21, 2010.
- 14 Quoted in "Squaring the Circle: Palestinian Security Reform Under Occupation," International Crisis Group, Middle East Report, no. 98, September 7, 2010, 12.
- 15 "PA Police Go in Print and Online," Ma'an, March 4, 2010, <http://www.maannews.net/eng/ViewDetails.aspx?ID=265967>. Gaza MoI spokesperson Ihab al-Ghussein made similar announcements in summer 2010.

- 16 Technical Team for Reform, "Vision of a Professional Palestinian Security Sector," 2007. Reproduced in DCAF, "Towards Palestinian National Reconciliation," 2009, reference texts, 63.
- 17 "West Bank: Reports of Torture in Palestinian Detention," October 20, 2010. <http://www.hrw.org/en/news/2010/10/20/west-bank-reports-torture-palestinian-detention>.
- 18 "In an interview with *Filasteen* newspaper, the minister of interior reaffirms continuation of execution of death sentences against collaborators and criminals," Ministry of Interior, May 24, 2010, <http://www.moi.gov.ps/page.aspx?page=details&Nid=16861>.
- 19 "Al-Ghoul: The Government Is Concerned Over Some Positions Taken by Human Rights Organizations and Their Discrimination Between the West Bank and Gaza Strip," *alRay*, no. 56, June 7, 2010, 5.
- 20 "Mhanna: Hamas Practices Repression and Intimidation, But We Refuse to be Drawn Into Internecine Fighting," Popular Front for the Liberation of Palestine website, February 1, 2010, <http://www.pflp.ps/arabic/news.php?action=Details&id=4641>.
- 21 Author's correspondence with foreign adviser, name withheld, October 10, 2010.
- 22 Author's correspondence with foreign adviser, name withheld, October 10, 2010.
- 23 Security Sector Strategic Plan 2011-13, 13.
- 24 "Palestinian Security Sector Governance: The View of the Security Forces in Jenin," DCAF Spotlight, no. 4, September 2009, 2, 4.

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