

CARNEGIE PAPERS

“Fixing Broken Windows”:

Security Sector
Reform in Palestine,
Lebanon, and Yemen

Yezid Sayigh

*Pursuing counterterrorism
in the absence of the rule
of law perpetuates the
undemocratic governance
of the security sector
and undermines state
building and post-conflict
reconstruction.*

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Carnegie Endowment for International Peace
Publications Department
1779 Massachusetts Avenue, NW
Washington, DC 20036
Phone: 202-483-7600
Fax: 202-483-1840
www.CarnegieEndowment.org

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About the Author

Yezid Sayigh is Professor of Middle East Studies in the Department of War Studies at King's College London. A former adviser and negotiator in the Palestinian delegation to the peace talks with Israel, he researched and wrote this paper as a visiting scholar at the Carnegie Middle East Center in 2008.

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This paper draws on approximately 45 interviews conducted by the author with active and retired officers, ministers and other government officials, donor representatives and security advisers, independent policy and legal experts, and human rights and democracy advocates in Lebanon and Palestine in 2008, and on interviews conducted by Ludmila du Bouchet in Yemen at varying times. The paper also draws on a large number of official and independent reports, but due to space constraints only those that have been directly quoted are cited.

In memory of Salim Nasr, colleague and friend, who worked hard to promote parliamentary governance of the security sectors in Arab countries.

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Summary

As they emerge from conflict, states can rarely commence the arduous task of reconstruction and consolidate their governments until they undertake extensive restructuring of their security forces. Palestine, Lebanon, and Yemen are all fractured, quasi-democratic states with divided societies, and deep disagreement over what constitutes the national interest. Successful reform in each will require security institutions that answer to democratically-elected civilian leaders, but the U.S. and European approach has thus far focused largely on providing military training and equipment, targeted toward counterterrorist capabilities.

To enable real reform, the West must adopt a comprehensive approach which treats security reform as only one part of a broader political strategy, and encourage governments and security commanders in Palestine, Lebanon, and Yemen to buy into such a strategy. Donor states should invest resources commensurate with their declared objectives, improve coordination, and standardize practices. Above all, they should make it a priority to build the institutions and procedures that are essential for democratic governance of the security sector, without which reforms become bogged down in internal power struggles. Pursuing counterterrorism in the absence of the rule of law perpetuates the undemocratic governance of the security sector and undermines state building and post-conflict reconstruction.

International donor conferences led by the United States and the European Union have pledged \$30 billion in aid and development assistance to the Palestinian Authority, Lebanon, and Yemen since 2002. In each case the United States and the European Union have regarded reform or restructuring of the security sector as essential to state building and reconstruction. Successful security sector reform would make security forces accountable to democratically elected civilian authorities; ensure their adherence to the rule of law and to the principles of transparent financial management; and build up their operational capacity, professional expertise, and governance.

Reforming the security sector in Palestine, Lebanon, and Yemen poses particular challenges. All are quasidemocracies emerging from conflict with fractured states and divided societies, 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. Furthermore, governing authorities

must reform the security sector even as they employ it actively in situations characterized by violent conflict, proliferation of arms among citizens and nonstate groups, and a threatening regional environment. Internal security and police forces are increasingly militarized; intelligence agencies are more accustomed to upholding the political, rather than constitutional, order; and national defense forces play an important internal security role.

The United States and the European Union face an immediate question: how to pursue security sector reform and restructuring where the state is not a unitary actor, none of the local actors truly wants a security model centered on a capable state unless they control it, and international donors and recipient governments do not always have the same agenda, even when they are “on the same side”? This leads to a further question: genuine security sector reform requires democratic and civilian oversight and accountability, but should international donors do nothing when these prerequisites are absent or ineffective? And how are donors to structure assistance when recipient governments lack the technical capacity or political will to formulate sector-wide plans and priorities, establish well functioning coordination mechanisms and information flows, and ensure meaningful stakeholder participation?

The United States and the European Union respond to these questions with a broadly similar official discourse emphasizing democratic governance and the rule of law, fighting terrorism, and enhancing regional peace and security. In practice, they aim far more modestly to “fix ‘broken windows’ first, fix what we can.”¹ Fixing “broken windows” has much to commend it, since it addresses the practical question of “what can actually be implemented?”, and helps construct an environment in which more ambitious reforms may be possible. But it ducks the need for an integrated approach centered on achieving democratic-based security sector governance. The lack of such an approach both reflects and reinforces the reorientation of U.S. and EU security assistance toward counterterrorism—at serious cost to the democracy and rule of law agenda. Persistent weaknesses in coordination and planning, divergent priorities, and inconsistent commitment of resources are not merely technical flaws, but rather reflect a narrow focus on developing operational counterterrorist capacity.

This paper first reviews U.S. and EU contributions to security sector reform or restructuring in Palestine, Lebanon, and Yemen against a backdrop of the challenges faced in each. It then offers a critical evaluation of their political and operational effects.

The Palestinian Authority

The Palestinian Authority Security Forces (PASF) have undergone a degree of reform and restructuring that could not have been predicted in June 2007, when an “emergency government” was formed under Prime Minister Salam Fayyad in the West Bank following the military takeover of the Gaza Strip by

the Islamist Resistance Movement, or Hamas. Since then, the West Bank and Gaza Strip have been controlled by rival governments, each based on dubious constitutional grounds, and each commanding its own security forces.

For its part, the Fayyad government inherited a deeply dysfunctional security sector in severe disarray after years of intifada violence and Israeli countermeasures. It started with certain advantages nonetheless, not least the sense of urgency and purpose sharpened by the loss of Gaza. Since then, some basic elements of consolidation decrees issued in 2004–2005 have been put into effect, including the establishment of the judiciary police. Moreover, the government was able to build on unimplemented reform plans that had been drafted with U.S. and EU assistance in 2005–2007. The government was also able to reduce the hugely bloated PASF payroll by 30,000 to 59,000 in its first year, curtail the predominance of Fatah members among recruits in several PASF branches, and improve internal coordination and information flows.

Although the Fayyad government has asserted credible “ownership” of the process, it lacks as yet a common security vision and appropriate institutional architecture. Reform is not sector wide, and significant gaps remain, giving rise to credible charges of systematic human rights abuse and tenuous civilian control over the intelligence agencies. Furthermore, Fayyad’s position has remained under constant challenge from the previously dominant Fatah movement, which seeks to restore its quasimonopoly over the government and resents the retrenchment of the PASF. Most seriously, the rule of law cannot be established in the absence of a functioning parliament and judicial system. With new presidential and parliamentary elections due in January 2010 and little prospect of a Fatah–Hamas reconciliation that would allow them to be held, the abeyance of constitutional order will deepen. The United States and the European Union risk becoming enduring players in domestic power struggles, rendering the security achievements they have helped bring about to date fragile and reversible.

The United States

In his Rose Garden speech of June 24, 2002, President George W. Bush made Palestinian reform, especially security sector reform, a *sine qua non* for international diplomatic engagement in the Palestinian–Israeli Peace process. This view was confirmed as a central plank of the Roadmap to Peace published by the Quartet—comprising the United Nations, United States, European Union, and Russia—on April 30, 2003. Yet until June 2007, the U.S. approach towards the Palestinian security sector reform was hesitant and stop-start, with constantly changing objectives, contradictory policy assumptions, and inadequate resources.

This was evident from the outset. Bush instructed Central Intelligence Agency Director George Tenet to draft a plan for the restructuring and sponsored an American-led “oversight board” with the additional membership

of Egypt and Jordan to ensure its implementation in 2003. However, U.S. unwillingness to deal with Yasser Arafat largely precluded substantive engagement until his death in November 2004. It was only on February 7, 2005 that Secretary of State Condoleezza Rice named Lt. General William Ward as senior United States Security Coordinator (USSC) to help rebuild and restructure the PASF, coordinate external assistance for this purpose, and encourage resumption of Israeli–Palestinian security coordination. However, Ward was redirected almost immediately to focus on coordinating the security aspects of the unilateral Israeli disengagement from the Gaza Strip with the Israeli and Palestinian authorities.

Ward's successor, Lt. General Keith Dayton, was appointed that December with a renewed "expanded mission" to oversee the training of the PASF. Once again, however, the USSC was redirected to focus his efforts on ensuring successful implementation of the Israeli–Palestinian Agreement on Movement and Access that had been announced by Rice on November 15. Israeli refusal to implement the agreement nullified Dayton's task, but the electoral victory of Hamas posed no less a challenge. The Bush administration considered suspending its security mission altogether, but President Mahmoud Abbas persuaded it instead to focus on retraining and enabling the Presidential Guard to assume control over the Gaza border crossings, in the hope of salvaging the Agreement on Movement and Access.

Behind-the-scenes battles within the administration confused the mission's priorities and purpose. One battle pitted Vice President Richard Cheney and neoconservatives such as Deputy National Security Adviser Elliott Abrams, who wanted only to "manage" the Israeli–Palestinian conflict, against those who wanted to "do" something to resolve it, namely, Rice and Dayton. At the same time the Departments of State and Defense waged turf battles over authority to determine operational guidelines and reporting channels for the Dayton mission. The appointment of two additional security envoys following the Annapolis peace conference in November 2007 further complicated matters. General James Jones was assigned to help Israel and the Palestinian Authority develop a security concept for an eventual Palestinian state, while Lt. General William Fraser (succeeded in 2009 by Lt. General Paul Selva) was to facilitate and monitor progress by the two sides in fulfilling their obligations under the "Roadmap." All reported separately to the Bush administration, despite coming nominally under the secretary of state (Dayton and Selva, not to mention the CIA, still do).

Policy differences also explain the inadequacy and inconsistency of the resources allocated by the United States for security assistance to the Palestinian Authority. The USSC operated for the first two years without an earmarked budget, although \$2.3 million in nonlethal assistance was provided separately to the PASF to facilitate its assumption of security responsibilities in the areas evacuated by Israel in 2005. The U.S. Congress blocked an administration

request for \$86 million in security assistance to the Palestinian Authority in 2006, finally approving \$59.8 million in April 2007. It had already stipulated that American aid could only be spent on nonlethal equipment for the PASF, prompting Rice and the USSC to seek covert financial assistance from several Arab countries from late 2006 onward.

No less serious an obstacle has been the understaffing of the USSC office. From the outset, then Secretary of Defense Donald Rumsfeld deemed an Israeli–Palestinian agreement unattainable and capped the Ward mission at sixteen military personnel. The USSC office, moreover, had to comply with the travel restrictions and movement rules imposed by the Department of State on its civilian staff, which meant traveling in large, protected convoys, and competing with CIA and USAID staff for a limited pool of armored vehicles. Ward compensated by securing the secondment of seventeen British and Canadian (and one Turkish) officers, who were not subject to movement restrictions; this enabled them to meet their Palestinian counterparts daily, visit PASF area commanders, and represent the USSC team at the governorate level, providing its eyes and ears on the ground.

This proved a boon for Dayton, who oversaw the training of four National Security Forces battalions and elements of a Presidential Guard battalion, totaling some 2,100 men, between January 2008 and March 2009, all of which were trained at the Jordan International Police Training Center. However, to reduce costs, the United States has reallocated \$40 million of past funding for the construction of a “police gendarmerie” (National Security Forces) training center in Jericho, along with a state-of-the-art Presidential Guard Training Center. It also now seeks to build new “operational bases” near Jericho and in Jenin to house trainees returning from Jordan.

Since March 2009, the USSC has also run a commanders’ class in Jordan, and launched a series of Senior Leaders’ Courses in Ramallah, of two months duration each; 108 officers drawn from all PASF branches had been trained by the end of September, and the expectation is that the training will be handed over from DynCorps contractors to Palestinian instructors in early 2010.

These various activities were funded from a total of \$161 million approved by Congress in 2006 and 2008. The Obama administration has stepped up the U.S. commitment, gaining approval from Congress in June 2009 for the allocation of \$109 million in fiscal year 2009 to support the Security Sector Reform and Transformation program, which was included for the first time in the Palestinian Reform and Development Plan for 2008–2010. The administration has requested an additional \$100 million for FY2010 with the ultimate aim of training a total of ten National Security Forces battalions.

Nonetheless, the USSC faces significant problems. Whereas Palestinians regard the 15,000-strong National Security Forces as the nucleus of a future army, Dayton’s mission is to transform it into a 5,000-man “gendarmerie”—a paramilitary police-support force. More problematic still, the Palestinian

public increasingly blames him and the National Security Forces he is rebuilding for the human rights abuses and growing atmosphere of political intimidation generated by the intelligence agencies. Yet relations with the intelligence agencies are handled exclusively by the CIA and he is not privy to them. This only underlines the continuing lack of harmonization in the U.S. approach, and explains the conviction among Dayton's Palestinian counterparts that it is the U.S. Consulate and the CIA, not he, who lead on U.S. policy and keep the money flowing. Against this backdrop, Hamas and many Palestinians interpreted a speech Dayton delivered in Washington in May 2009 as evidence that the National Security Forces are being rebuilt as a subcontractor of the Israeli occupation, deeply embarrassing its command and the Fayyad government. The government's aggrieved response has been to end USSC access to Palestinian Authority Security Forces area commanders, and to require the USSC to channel all contacts through the Ministry of Interior.

The European Union

The European Union has been the junior partner in determining the form and purpose of security assistance to the Palestinian Authority since the Oslo Accords of 1993. Its assistance ceased following the start of the intifada in late 2000, with the exception of a €7million contribution in 2002 to "empower" the Palestinian justice system and a scoping study by the British Department for International Development in 2004 to identify possible reform programs that would support the Civil Police. The European Union only resumed significant security assistance in 2005; since then it has framed its effort within an explicit reform discourse based on the rule of law.

The first step was installing several police experts in the office of the European Union Special Representative for the Middle East Peace Process in Jerusalem, in January 2005. On March 1, the London Conference pledged to rationalize the Palestinian Authority's security governance, and in April an EU Coordination Office for Palestinian Police Support was established with the objective of assisting "immediate operational priorities and longer-term transformational change," ensuring "liaison with Palestinian and international stakeholders," and coordinating and monitoring donor assistance. The mission was brought up to eleven experts and based at the Palestinian Ministry of Interior in Ramallah and at Civil Police headquarters in Gaza.²

The immediate result was the jointly-developed Palestinian Civil Police Development Program 2005–2008. This aimed at establishing a "transparent and accountable police organization with a clearly identified role, operating within a sound legal framework, capable of delivering an effective and robust policing service, responsive to the needs of the society and able to manage effectively its human and physical resources."³ With the Israeli disengagement from Gaza approaching, however, "raising operational capacity and performance" took priority and the delivery of equipment and training was brought forward.

The European Union built on this foundation following the Israeli pullout to establish two civilian missions under the European Security and Defense Policy. The first, the EU Border Assistance Mission at Rafah Crossing Point (EUBAM), was composed of police, border police, and customs officers from seventeen member states charged with monitoring implementation of the Agreement on Movement and Access agreed to in November 2005. In addition, it sought to “contribute, through mentoring, to building up the Palestinian capacity in all aspects of border management at Rafah.”⁴ The second civilian mission, the European Union Police Mission for the Palestinian Territories (EUPOL COPPS), aimed to “contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards.”⁵

EUBAM had a highly successful start, but in June 2006 the Israeli government blocked access to the Rafah border terminal to EU observers, whose presence was mandatory for its continued operation; Israel acted in retaliation for the abduction of Israeli corporal Gilad Shalit by Palestinian militants from Gaza. EUBAM functioned for less than 25 percent of its scheduled opening hours over the next year, and became completely inactive after the Hamas takeover of Gaza in June 2007. Similarly, EUPOL COPPS began operational deployment on January 1, 2006, but was paralyzed after the European Union endorsed the total political and financial boycott of the new Hamas government at the beginning of April. Whereas the United States continued its assistance to the National Security Forces and Presidential Guard, which came under the authority of Abbas, EUPOL COPPS was “unable to provide basic funds to its civilian mission activities, such as prison reconstruction, court refurbishment, vehicle maintenance, and radio repair, which are essential to any basic security sector reform.”⁶

EUPOL COPPS resumed activity in September 2007, cooperating with the newly formed Fayyad government, although this meant working without parliamentary oversight and in a severely flawed rule of law environment. By October 2008, it had trained 687 members of the public order unit of the Palestinian Civil Police at the Jericho Training Centre, which was rehabilitated with donor assistance after being damaged by Israeli forces. EUPOL COPPS also conducted refresher training for 530 members of the newly created protection and guards unit. Training started at this time for 100 Criminal Investigation Department personnel.

No less important was the convening of the Berlin donor conference in June 2008, which was billed as “a concrete operational follow-up of the EU Action Strategy launched in the context of the Annapolis process and putting a major focus of the EU’s commitment on ‘assisting Palestinian state-building efforts as well as providing support for the transition period.’” It undertook to “support the establishment of modern and democratic police forces ... complemented by wider support to the rule of law, including helping to establish

an efficient penal and judiciary system.”⁷ Aid was pledged for police training and the construction of facilities such as a forensic laboratory, courthouses, and prisons. EUPOL COPPS subsequently established a rule of law section, increasing its international staff by another eleven experts to 53.

Yet actual output has proved modest. The Berlin conference committed \$243 million, but six months later the outgoing head of EUPOL COPPS, Colin Smith, stated that the mission was working with \$55 million, and emphasized the need “to move increasingly from capacity building to training and transformation.”⁸ The authors of a U.S. report were openly critical:

... these training efforts have not proceeded with anything approaching the necessary urgency. The European Union’s most recent allocation of €5 million to fund vehicles, uniforms, and communications equipment for the Palestinian Civil Police represents just 6 percent of the \$134 million request from the police and Ministry of Interior. According to Chief of Police Hazim Attallah, few of the 78 police stations across the West Bank meet basic health and safety standards, and there are only 30 computers for the entire force of 7,000. Thirty-one stations do not have access to vehicles.⁹

Lebanon

On paper, Lebanon has a relatively developed security sector in terms of formal legal framework and institutions, established chain of command, and subordination, albeit flawed, to civilian government. Reality is different. The security sector has not yet overcome the legacy of the fifteen-year civil war that ended in 1990, nor of the subsequent fifteen years of Syrian domination. Despite the departure of Syrian troops in April 2005, the sector continues “to suffer command and organizational weaknesses due to the pull of political, sectarian, and regional loyalties,” and various services report to different constitutional authorities.¹⁰ This undermines the formulation of policies and sector-wide planning, erodes operational command, and impedes modernization and the upgrade of skills and equipment.

The sectarian and political struggle for control over the security sector is compounded by the presence of dual military forces in Lebanon resulting from the exemption of Hizbollah from the disarming and disbanding of the militias in the early 1990s. This duality, in turn, complicates reform and restructuring. The effects were highlighted by the crisis of May 2008, during which the Lebanese opposition, spearheaded by Hizbollah, took control of the western half of the capital, Beirut. The Higher Defense Council and Central Security Council were paralyzed, and the Lebanese Armed Forces and Internal Security Forces remained on the sidelines for fear of splintering yet again, as they did during the long civil war.

The United States and the European Union face a particular dilemma. The Lebanese security sector is underresourced and underequipped, but material

assistance is of limited value so long as the political authorities are unprepared to devise national security policies. Reform is not possible without a single “address” to engage with, and so long as the security sector is regarded by any of the key actors—both internal and external—as a tool of regime protection or of gaining the upper hand militarily against Hizbollah and the opposition. Consequently, the United States and the European Union have tacitly accepted that it is impractical to pursue security sector reform or devise a national security policy in Lebanon, while not disengaging altogether. The result is a low-key affair, consisting mainly of bilateral efforts focusing largely on improving basic skills and armament in select areas and services, reflecting the absence of an integrated framework and ambivalence about aims and methods.

The United States

The United States immediately welcomed the departure of Syrian troops from Lebanon, but was considerably slower to realize the need for Lebanese security sector reform. Its initial response was to dispatch a planning mission headed by Brig. General Mark Kimmitt in early 2006 to assess the condition of previously supplied U.S. weapons and equipment, and to evaluate Lebanese Armed Forces needs accordingly. A total of \$410 million in assistance was subsequently pledged, three-quarters of which was earmarked for the Lebanese Armed Forces and the remaining \$100 million for the Internal Security Forces. Kimmitt expressed the purpose succinctly: “In our minds, this is the army that sooner or later will have to stand up to the armed branch of Hizbollah.”¹¹

This objective explains both the priorities of U.S. policy toward the Lebanese security sector, and its inconsistency. The United States reversed its approach following the summer 2006 war between Hizbollah and Israel. The war led to the perception that the Lebanese Armed Forces, and especially its G2 branch (Military Intelligence), were closely associated with Hizbollah and that its rank and file were heavily Shi’i Muslim and so presumably sympathetic to the organization. The result was a shift of focus toward the Internal Security Forces, reflecting the belief that it was a progovernment bastion and that its own intelligence agency, the Information Section, was loyal to the largely Sunni Muslim Future Movement, headed by Sa’d Hariri, son of the slain former prime minister, Rafiq Hariri. The United States supplied the Lebanese Armed Forces with arms and munitions during its bitter battle against the Fatah–Islam group in the Palestinian refugee camp of Nahr al-Bared in May–September 2007, but basic American policy did not change. Only after the Internal Security Forces failed to intervene against the opposition during the street battles of May 2008 did the United States seek to restore full working relations with the Lebanese Armed Forces, dispatching two military delegations to visit the army command and delivering new shipments of ammunition and light vehicles afterwards.

Nonetheless, American security assistance has remained limited and hesitant. The Internal Security Forces received increased training and equipment

in 2006–2008, mainly destined for border control and the Information Section, as well as vehicles and other assistance worth \$10 million to upgrade the Internal Security Forces’ mobile force compound in Dbayyeh and its “Panthers” SWAT unit. The U.S. Bureau for International Narcotics and Law Enforcement Affairs also announced in January 2008 that it would “provide [Lebanese] Internal Security Forces with essential law enforcement training, nonlethal equipment, installation of a communications network and refurbishment of academy and command and control facilities.”¹² In addition, a considerable part of the assistance delivered to the Lebanese Armed Forces was intended to complement border management, including an advanced mobile communication system, coastal patrol boats, and the refurbishment of air force helicopters. Nonetheless, less than half the original \$410 million in security assistance pledged in 2006 had been delivered by the end of 2008 due to wrangling between the U.S. Departments of State and Defense.

The European Union

Officially, the European Union is heavily invested in Lebanese security sector reform and restructuring, but its efforts have been modestly funded, with piecemeal and low-impact results. Tellingly, it has not demonstrated greater success than the United States, which emphasizes developing the operational capacity of the regular armed forces. This is perhaps not surprising, since over \$25 million of the \$45 million in equipment and training contributed by EU member states since 2006 has gone to the Lebanese Armed Forces rather than the various internal security agencies.

The official European Union stance was articulated in a pledging statement issued after the 2006 war, which referred to the need to “support the Government of Lebanon in ensuring respect for the rule of law and improvement of internal security conditions, in particular strengthening the internal security forces.”¹³ A mere €4 million was, in fact, earmarked for the Security and Rule of Law package, but the European Neighborhood and Partnership Instrument concluded with Lebanon in 2007 set unambiguously ambitious goals:

A priority of reform is the development of the administrative capacity of core security actors, including law enforcement institutions, security management and oversight bodies, and justice institutions. Lebanon needs to ensure consistency in the management and operation of the security system, with respect for human rights and democratic norms.... Trainings [sic] of Internal Security Forces, police trainings, reform of the security sector, as well as border management projects could be envisaged in order to enhance cooperation in the security sector.¹⁴

The European Union has made little discernible progress towards these goals, however. Nor has it acted as a formal collective framework for security assistance. This is at least partly due to the inability of the Lebanese government to formulate an agreed plan for security sector reform, impeding the European

Union’s “focus on strengthening institutions and implementing national strategies.”¹⁵ The lack of Lebanese political consensus prevented a comprehensive approach and, moreover, precluded an “audit” of the security sector—comprising defense, intelligence, and the justice system in addition to policing and internal security—without which an agreed plan could not be developed.

Arguably, the most successful European Union effort has been the two-year program launched in fall 2007 to develop the judiciary police and provide it with technical skills and equipment for crime investigation, scene examination, and forensic analysis, along with human rights training. Other efforts have been essentially bilateral: a) British and French assistance to develop Internal Security Forces antiriot and public order capability, b) French training for the “Panthers” SWAT unit and the army’s G2 branch (Military Intelligence), c) German contributions to laboratory upgrade and training at the judiciary police training center in Aramoun and to the reconstruction of the Lebanese Armed Forces’ coastal radar and control system for naval border surveillance, and d) a Dutch–British initiative to develop staff college training in security and defense management. Progress has been made in improving basic skills and equipment, but has remained limited by the absence of an overall plan.

The “integrated border management” pilot project in northern Lebanon reveals the limitations of the most ambitious collective European effort to date. Led by Germany, it is portrayed as the joint commitment of the European Union and the United States “to assist the Lebanese Government to strengthen security on the Syrian–Lebanese border to prevent the illegal flow of arms into Lebanon, including through technical assistance for Lebanon’s border security and customs authorities.”¹⁶ But donors have struggled to coordinate their support; nearly two years after the conception of the project, the United Nations found that it suffered an “absence of strategic planning,” gaps in essential equipment, and poor coordination of Lebanese needs and donor assistance.¹⁷ The European Commission and the Office of the United Nations Special Coordinator for Lebanon (UNSCOL) have since stepped up their role to address these flaws, but the feasibility of “rolling out” the project to Lebanon’s eastern border with Syria remains uncertain.

Yemen

The reform and restructuring of the Yemeni security sector poses a particular challenge. Indeed, it is not on the formal government agenda of either the United States or the European Union. Yet the sector suffers from multiple adverse legacies, manifested in pervasive fragmentation and the growing concentration of power around President Ali Abdullah Saleh, his relatives, and his Sanhan tribe. The failure to integrate the respective security apparatuses after the unification of North and South Yemen in 1990 and the forced retirement of many southern personnel resulted in the brief civil war of 1994, and since

2007 has led to a cycle of violent protests and government repression in the southern governorates. The Yemeni state also faces challenges to its authority and legitimacy from certain tribes and from the “al-Houthi rebellion” that started in 2004, and has repeatedly enrolled Islamist militants and tribal militias alongside the army against the southern “separatists” and, reportedly, against the al-Houthis.

Use of military recruitment to co-opt tribesmen and of appointments to reward personal loyalty among officers—especially in the army and police force—has led to the development of a security sector that is seriously bloated, lacking in basic equipment and specialist skills, and fraught with corruption. The sector is widely regarded as little more than disparate “stovepipes” centered on Saleh. Yemeni government and security institutions are completely segmented, with minimal communication and coordination between, and within, the ministries of interior, justice, and defense. Consequently there is extensive overlap and duplication of functions between the police, army, and Central Security Forces in urban areas, and rivalry that result in ineffective policing in rural areas and along land borders.

For the United States and the European Union, the primary purpose of aid programs in Yemen, including security assistance, has been to prevent the failure of a state that ranks twenty-first worldwide in vulnerability to violent internal conflict and societal deterioration. Prevention is emphasized by the United Kingdom’s Department for International Development, which argues that “Improvements in the rule of law and its enforcement need to be made now in order to tackle the proliferation of these disputes in the future.”¹⁸ However, U.S. and EU security assistance to Yemen is shaped not by law enforcement concerns, but by the perception of Yemen as a “front-line state” in the war on terrorism.

The United States

The United States resumed significant levels of military assistance and cooperation with Yemen after 9/11. The purpose was clear: “to expand the USG and ROYG [Republic of Yemen Government] partnership against terrorism, to neutralize al-Qa’eda’s ability to threaten US interests both inside and from Yemen, and to enhance regional security by building a close partnership between the US and Yemeni military. To achieve these goals, USG development assistance will reinforce diplomatic, military, law enforcement, counter terrorism and intelligence cooperation.”¹⁹ Above all, the Bush administration was concerned with bolstering sovereign capacity in a state straddling the zone between the oil-rich Gulf Cooperation Council and the Horn of Africa. So despite fulsome praise from President Bush for its “strong support in this war against extremists and terrorists,” Yemen itself is of minor concern.²⁰

Since spring 2002 the United States has focused on setting up a new intelligence agency and a dedicated counterterrorism unit and on improving border

control. Following the *USS Cole* bombing in October 2000, the United States believed Yemen's main information-gathering agency, the Political Security Organization, to be heavily penetrated by al-Qaeda sympathizers and lacking analytical capability. The United States was especially dissatisfied with the level of information sharing and hoped that the new National Security Bureau would fill these gaps and offset, possibly replace, the Political Security Organization. It has provided the National Security Bureau with modern communication, surveillance and data-collection systems, and occasionally with satellite images and data, but its attempts to secure "live control" through direct access or embedded personnel have reportedly been denied.

Second, the United States has assisted the establishment within the Ministry of Interior of a Counter-Terrorism Unit attached to the Central Security Forces, which are commanded by Brigadier Yahya Saleh, the President's nephew. The Counterterrorism Unit, a "key focal point," has received technical assistance, equipment, and training from the United States, which regards it as "one of our favorite security institutions to work with because it's new and there is no corruption."²¹ Yet the United States impedes its own efforts by typically sending instructors on short-term rotations, and then mostly those who happen to be available, as decided at the Department of Defense in Washington, D.C. and at the Djibouti headquarters of Combined Joint Task Force-Horn of Africa (CJTF-HoA), regardless of their particular expertise.

Third, to achieve improved border control, the United States helped install surveillance systems at airports and border crossings starting in spring 2002. It gave priority to installation of the Personal Identification Secure Comparison and Evaluation System (PISCES) with the aim of tracking, monitoring, and ascertaining the identity of everyone entering or exiting Yemen. To this end the United States trained personnel and refurbished and equipped border control facilities, especially at Sanaa airport. It also seeks to upgrade the Yemeni army and help it assert government authority in tribal areas with the ultimate aim of securing and hardening the country's land borders.

The European Union

The European Union has acted very much like a junior partner of the United States in Yemen, not least in avoiding "reform" discourse with regard to the security sector. EU relations with Yemen are based on the 1997 Cooperation Agreement, and were upgraded in 2004 with the Sanaa Declaration announcing the establishment of an EU delegation in the Yemeni capital and the launch of a formal political dialogue on the basis of the EU Strategic Partnership with the Middle East and the Mediterranean Region. In 2005 the dialogue produced agreement to focus on Yemen's "political and economic development, including democratization, human rights, economic and social issues, security and regional issues," and a Yemeni commitment "to deepen co-operation with the EU on security and counterterrorism."²²

In practice, European security assistance has taken the form of discrete efforts by a few member states. The United Kingdom is the principal donor after the United States, collaborating and dovetailing with it completely in what constitutes, in reality, a joint effort. The United Kingdom has been involved throughout in developing the National Security Bureau and Counterterrorism Unit and leads the 2002–2012 development plan to strengthen the Yemeni Coast Guard, which it persuaded the Ministry of Interior to establish in 2002. Under this program, the United Kingdom maintains an embedded adviser at the coast guard headquarters in Sanaa and a permanent training team in Aden, where French and American trainers also operate. France has developed another base at Salif, and, along with the United States and Italy, supplied boats, a vessel-tracking system, and other equipment in 2002–2006.

The only collective European effort is the ongoing planning by the European Commission for a “€7.5 million programme to start in 2009/2010 partly for modernization of [the] Police Academy.”²³ Separately, France has supported development of the police and reform of the judiciary curricula, Germany provides varying types of small-scale police training and forensic assistance, and Denmark works with the Ministry of Human Rights. Nominally, these contributions complement the United Kingdom’s proposed Justice and Policing Program, yet they add up to considerably less than a collective effort. The rule of law may be critical to address “conflict prevention” and “state fragility,” tasks that are regarded as central to attaining the Millennium Development Goals and that provide the broad policy framework for all donor efforts in Yemen, but it is also where donor impact has been weakest.

The Wages of Counterterrorism

Writing in 2008, then-U.S. Secretary of State Rice placed “democratic development at the center of our approach” to resolving the Israeli–Palestinian conflict. By this she meant “the difficult effort to build effective democratic institutions that can fight terrorism and extremism, enforce the rule of law, combat corruption, and create opportunities for the Palestinians to improve their lives.”²⁴ Yet whether in the Palestinian Authority, Lebanon, or Yemen, the United States and, despite similar rhetoric to the contrary, the European Union have in reality given primary weight to counterterrorism, whether by design or default. This not only reverses the order suggested by Rice, it also places the democratization and rule of law agenda at risk.

Palestine

Counterterrorism has always been given priority in the Palestinian case. It drove American security relations with the Palestinian Authority exclusively starting from 1996, when the CIA launched a covert train-and-equip effort

for the two newly established Palestinian intelligence agencies, the Preventive Security Apparatus and the General Intelligence Department. The European Union developed a similar program known as COTER, which culminated in the signing of a formal security memorandum with the Palestinian Authority at the end of April 1998. Both programs completely bypassed existing coordination bodies. Indeed, most of the European assistance to the PASF in 1994–2000, averaging €11 million annually, was for counterterrorism training rather than force building. The United Kingdom also supported the PASF Special Force with training, arms, and equipment under the same broad heading, until it was disbanded in 2005.

Even after President Bush made “reform” pivotal in relations with the Palestinian Authority in June 2002, the Roadmap to Peace published by the Quartet on April 30, 2003 linked a “Rebuilt and refocused Palestinian Authority security apparatus” exclusively to “sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure.” There was no reference to security sector reform, nor to its need for effective and democratic civilian oversight.

Only after Hamas won the general elections of January 25, 2006 did the United States turn seriously to rehabilitating the PASF, and then only as part of a regime change strategy intended to deny the new government control over the PASF and to turn the latter into a countervailing force against Hamas. The European Union initially anticipated that the Hamas government would be more serious about security sector reform than its predecessor, but ultimately suspended contacts with those branches of the PASF that came under Hamas, in line with the U.S. boycott. All previous reform proposals were aborted; the diversion of PASF pay to the Office of the President, moreover, nullified the consolidation of government revenue in the single treasury account that had been achieved by 2004. By seeking to reverse the outcome of the parliamentary elections, the United States and the European Union weakened the notion of constitutional government, effectively encouraging the emergence of rival armed camps and the militarization of national politics.

The United States and the European Union continue to maintain a nominal “rule of law” framework, even as they have disregarded the absence of parliament and of a functioning judiciary since June 2007. All new laws pertaining to the PASF have been issued by presidential decree, prompting donor officials to ask privately if “decrees issued without the Palestinian Legislative Council mean that the Palestinian Authority will become like [Zimbabwe’s President Robert] Mugabe?” Progress was achieved in 2007–2009, because President Abbas, Prime Minister Fayyad, and the independent Minister of Interior Abdul-Razzaq al-Yahya (replaced by Fatah loyalist Sa’id Abu-Ali in May 2009) were in agreement, but the constitutional division of powers and responsibilities is not clear should differences arise. The lack of a clear institutional framework

for managing the security forces and the weak administrative capacity in the Ministry of Interior also mean that when the current presidential and parliamentary terms expire in January 2010, the prime minister and PASF branch commanders will inherit further executive power and operational discretion.

The fact that the National Security Forces are becoming more disciplined and professional and that the Civil Police receives human rights training does not erase the reality that the Preventive Security Apparatus and General Intelligence Department continue to trespass on the jurisdiction of the Civil Police, which is clearly unable to exercise the "primacy" called for by EUPOL COPPS and claimed by the Palestinian Authority. This is partly due to the laws of establishment of the Preventive Security Apparatus and General Intelligence Department, which allow them to act as law enforcement agencies. No less important are the lack of adequate safeguards and the weak rule of law, resulting in a "clearly strong trend" for these two agencies "to arrest and imprison, and to use military courts, and to disregard civilian court rulings."²⁵ Military Intelligence, which comes nominally under the National Security Forces and hence within the USSC's remit, detains "security" prisoners after interrogation by the other two intelligence agencies, in contravention of Palestinian law. Human Rights Watch concluded in July 2008 that "The international community has contributed to the negative trend.... The focus of outside support is clearly on strengthening the forces loyal to Abbas as a counter-weight to Hamas, despite the abuses that these forces routinely commit."²⁶

Lebanon

The counterterrorism purpose of U.S. security assistance to Lebanon was made explicit in 2006. Since then, support for the Lebanese Armed Forces and Internal Security Forces has fluctuated in line with their perceived loyalty to the government or opposition. Ever anxious to remain in step with the United States, the European Union has allowed political expediency to shape its own approach. Donor assistance to the Lebanese Armed Forces outweighs that to the Internal Security Forces by at least a 70:30 ratio. Similarly, a substantial portion of aid to the Internal Security Forces has been earmarked for the development of the Mobile Force and "Panthers"—militarized, SWAT-type units that are increasingly used in counterterrorism worldwide—rather than address the basic inadequacies of routine law enforcement.

The tension between the counterterrorism agenda and democracy and rule-of-law promotion has ensured that effective security sector reform cannot be initiated, even if donors were genuinely committed to it. By giving priority to the disarmament of Hizbollah and urging the governing March 14 coalition to adopt an uncompromising stance towards opposition demands during the protracted political crisis from December 2006 to May 2008, the United States effectively made the security sector the object of a tug of war. This

blocked any hope of conducting an audit of the sector or a “root-and-branch” defense review, prerequisites for sector-wide reform and restructuring, since the opposition would inevitably see this as part of wider regional struggles and interpret it with hostile intent. Partly for the same reasons, the United States and the European Union have been slow to press a meaningful rule of law agenda, although “military and state security courts, once viewed as pawns of Syria’s security chief Rustum Ghazali, still overstep their jurisdiction by issuing indictments of civilians.”²⁷

Yemen

Conceivably, an unabashedly narrow focus on counterterrorism might skirt these tensions and allow the unity of purpose necessary for success. The experience of the United States and the European Union in Yemen demonstrates otherwise. There, the high premium placed on counterterrorism has enabled the Yemeni government to pick and choose which donor initiatives to allow or block. Donor officials, moreover, believe that President Saleh may use the counterterrorism agenda to reinforce regime protection and suppress dissidents. This concern is why the United Kingdom preferred the Central Security Forces to play the main counterterrorism role from 2002 onwards, instead of the Special Forces headed by Saleh’s son Ahmad.

On the other hand, the counterterrorism focus has resulted in the slow progress of efforts to reform the Yemeni criminal justice system, which is regarded by the general public as hopelessly slow, corrupt, and powerless to enforce court decisions. The United Kingdom proposed an Integrated Justice and Security Development Program to the Yemeni Ministries of Interior and Justice in 2005: the ministry of interior was opposed to the whole program, the ministry of justice was willing only to accept funds to purchase computers, and the government rejected use of the term “security” altogether. A suitably renamed Integrated Justice and Policing Program was finally launched only in July 2008. This followed the embedding of a British police officer in the Ministry of Interior to help review its overall structure, develop an integrated management approach, and advise the minister and chief of police.

The British focus on policing and justice was designed to complement U.S. initiatives to improve judiciary independence through support to the Supreme Judiciary Council, and to refurbish the commercial courts. While the United States provided technical assistance and training to the recently created crime laboratory, its interest was chiefly limited to commercial aspects and to legislation, partly in order to improve the business climate, and partly to reinforce anti-terror regulation, financial and otherwise. In any case its assistance ceased when Yemen’s standing with the Millennium Challenge Corporation’s Threshold Program was put on indefinite hold by the U.S. government in November 2007, after the government released Jamal al-Badawi, a militant

sentenced to death in 2004 for his active role in the *USS Cole* bombing (2000). The suspension also prevented the United States from contributing to the UK proposal, made at the request of the Ministry of Interior, to help introduce community policing in tribal and rural areas. A previous attempt to launch a Tribal Conflict Mitigation Program as part of the Bush administration’s democracy promotion in 2005–2006 reportedly failed due to the opposition of President Saleh.

Bifurcation of Security Sectors

In all three cases the selective introduction of U.S. and EU assistance with the aim of “going after” militants threatens to bifurcate local security sectors and their systems of governance, reinforcing dysfunctional tendencies and undermining state building. This is especially likely in fragile states with weak governance, where government failure to provide effective and equitable security and justice prompts the emergence of rival providers of these public goods. The resort to tribal justice, clan protection, and Islamic reconciliation (*sulhab*) committees in the Palestinian Authority and Yemen, in particular, is one form. Another is the construction of rival security and policing models by the Hamas “caretaker” government in Gaza—where it has established rough but effective law and order and reconstructed a smaller, more disciplined version of the PASF—and Hizbollah in its “security bloc” (*murabba’ amni*) in southern Beirut.

On the one hand, the model “enclave” agencies supported by the United States and the European Union to deliver specific operational outputs in the war on terror cannot remain in splendid isolation, unaffected by negative dynamics and patterns in the wider security sector. Indeed, the more professional and effective they are, the more appealing as assets in internal power struggles. The result, in the absence of an explicit reform agenda, is to generate negative competition among rival agencies, mainly for the capture of material resources by exploiting the “counterterrorism” label, ultimately reinforcing “stovepiping” and the concentration of executive power.

On the other hand, a selective and partisan approach prompts the development of distinct security and policing models—each with its own normative frameworks, institutional forms, and procedural solutions—along divergent evolutionary paths. Paradoxically, the more successful the United States and the European Union are in upgrading select agencies, the more difficult it becomes to reintegrate the wider security sectors in the future, a prospect that is most troubling in the case of the rival security models that have emerged in the West Bank and Gaza Strip since June 2007. Yet the United States and the European Union have not factored reintegration into any of their programs. Nor have they pursued the broad reform-based agenda that might enjoy the political legitimacy and credibility to resolve this paradox, a resolution that must be centered unambiguously on integrated, sector-wide planning, democratic oversight, and judicial review.

“Technical” Assessment: “Business as Usual” Wins Over “Best Practice”

U.S. and EU assistance has been pivotal in enabling local security sectors to make the upgrades and improvements achieved thus far, but these achievements remain partial and tentative. From a developmental perspective, this is a predictable outcome of typical flaws in donor coordination and planning, integration of contributions, allocation of resources, and prioritization of principal objectives. However, these flaws are not technical, the result of a procedural failure to apply “best practice,” but rather reflect the narrow concern with developing operational counterterrorist capacity and the corresponding absence of a comprehensive and deliberately transformative approach to security sectors and associated criminal justice systems. This is reflected in the minimal effort to develop ministries of interior, normally the foremost instrument of democratic, civilian control over security sectors, and in the careful sidestepping of the intelligence agencies in which the United States and several EU member states are heavily, if covertly, invested.

Coordination: Coalitions of the Willing

Coordination between the United States and the European Union has for the most part been ad hoc, conducted on a project-by-project basis by the donors most concerned in each instance. These “coalitions of the willing” have proven effective in some instances. Since June 2007 EUPOL COPPS has had a delegate to the USSC office, and British personnel on temporary assignment to the USSC liaise informally with EUPOL COPPS, resulting in more structured discussion, freer information flows, and mutual diplomatic support. A working group comprising the USSC and the Palestinian Ministry of Interior deals with the training needs of the National Security Forces and Presidential Guard, while a separate steering committee, cochaired by the Minister of Interior and the head of EUPOL COPPS, addresses the Civil Police and criminal justice system. In Lebanon, the UK initiated monthly donor meetings following the 2006 Hizbollah–Israel war to coordinate three subgroups dealing with borders, the Lebanese Armed Forces and defense, and internal security. Although the structure is informal, it has facilitated the exchange of views and information.

Nonetheless, formal coordination between donors remains elusive, and sector-wide coordination with recipients wholly lacking. This impedes setting clear and consistent objectives and priorities, results in inefficient or inadequate allocation of resources, and prompts lopsided development within security sectors, leaving serious gaps. It also leads to stop-start efforts. The strong U.S. preference for ad hoc, informal arrangements across the board is partly to blame, but the European Union has also been dilatory about formal coordination. Its member states occasionally make individual contributions within a collective framework overseen formally by the European Commission, as in

the case of EUPOL COPPS. More often, however, assistance is delivered bilaterally and fits only loosely, if at all, within an overall plan, as in the cases of the criminal justice systems in Lebanon and Yemen.

These realities are obscured by official rhetoric. The emphasis of the June 2008 Berlin conference on “an encompassing, coordinated and concerted approach to the reform of the Palestinian security sector” gave a positive gloss, but implicitly signaled that the existing arrangements would not be replaced with a formal collective framework.²⁸ The conference also spoke of establishing senior level “focal points” comprising the principal governments to ensure coordinated implementation of projects, but these have not come into being. Much the same can be said of the 2007 European Neighborhood and Partnership Instrument with Lebanon, which stated that “A recent example of local coordination, which has been particularly frequent and fruitful, is the ‘Security and rule of law’ project.”²⁹ Subsequent experience has borne out the suggestion that a formal, overarching framework is more spin than fact. In Yemen, donors liaise bilaterally, whether with each other or with Yemeni counterparts, on a project-by-project basis, and even then coordination is often ad hoc or dependent on personal ties.

Cherry picking, Stovepiping, and the Security Mélange

A longstanding donor practice that has encouraged dysfunctional security sector development is “cherry picking”: selectively choosing security agencies or programs to support that serve the strategic agendas of donors, conform to desirable political and ethical parameters, or else provide intelligence, patronage, or good public relations. The United States refused to work with the Palestinian Authority’s National Security Forces until 2006, for example, and remains uninvolved with its Civil Police, but has maintained uninterrupted, covert cooperation with its two main intelligence agencies since 1994, regardless of their poor human rights record and the inability of civilian authorities or the judiciary to exercise effective oversight and review. Conversely, certain European Union member states will only assist judicial and penal reform or civilian police forces, refusing to engage with national armed forces, militarized police forces such as SWAT teams and the gendarmerie, or intelligence agencies.

Cherry picking reinforces “stovepiping”: the construction of segmented security agencies based on personal or factional loyalty and clientilism. By building bilateral ties, donors deepen dependency and encourage local counterparts to bypass their own higher authorities, since resource flows are not dependent on the latter. Donor selectivity in such instances may also reveal implicit sociopolitical profiling that leads to the privileging of certain security agencies and denial of assistance to others. The common, if unofficial and unsubstantiated, designation by donors of the Lebanese Armed Forces as heavily Shi’i Muslim and the Internal Security Forces as equally heavily Sunni Muslim, hence presumed sympathetic to the Lebanese opposition and government, respectively, is a case in point.

The effects are compounded by the *mélange* of donor security cultures, doctrines, training curricula, and terminologies to which recipient security sectors are subjected. U.S. assistance is shaped by the differing security “schools” of the Department of Defense, Department of State, and CIA, all of which disagree on objectives, approach, and method. Much the same applies to the European Union, with distinct British, French, Dutch, Nordic, and German approaches to policing and security sector reform. American sponsorship of the newly established Palestinian Academy for Security Sciences in Jericho is a helpful step toward reducing this diversity, so long as it can shed its image as a CIA-funded domain of General Intelligence. Nonetheless, its example underlines the continuing absence of dedicated police or internal security academies in Lebanon and Yemen and inadequate donor attention to developing coherent, indigenous training capacity.

In a context where even donor officials acknowledge that “everybody’s trying to get their finger in the pie” of security sector reform, poor coordination and donor competition to cultivate particular relationships lead to wasteful duplication and inefficiency of effort. They also leave unattended institutions whose effective functioning is critical to the success of security sector and criminal justice reform: ministries of interior and intelligence agencies.

Ministries of Interior

Subpar and poorly governed security sectors are partly due to the weaknesses and marginal status of ministries of interior. Put crudely, since donors can deal directly with operational commanders in Palestine, Lebanon, and Yemen, why bother with the ministry? The Iraqi experience is instructive: “Virtually no attention has been given to training the staff of the MOI in the management and administrative skills that they require. However . . . overall progress can only be made by addressing the political environment, the legal and regulatory frameworks, the interface with other government structures, and the organizational development of the ministry.”³⁰ Much of the progress made in the Iraqi police force since 2007 has been due to the reforms that have taken place within the Ministry of Interior.

In contrast, the Palestinian Ministry of Interior, which suffered years of neglect and marginalization until 2007, is still struggling to reorganize internally and develop its human resources and continues to be described by both Palestinian and donor officials as a “shambles.” It lacks funding, a wide range of skills, rules to regulate implementation of service laws, a grievance procedure, and a formal body to coordinate the flow of information with the PASF command. In addition, its spending modalities are unclear. The ministry now boasts a Strategic Planning Department proposed and assisted by the Office of the USSC, whose purpose is to anticipate future needs, define targets, and formulate strategies. The department may eventually make a crucial difference in planning for the security sector as a whole, but for now is regarded as

a U.S. implant. In any case it has neither the mandate, nor yet the capacity, to address the critical question of reforming, reconstructing, and rehabilitating the ministry itself.

The United States and the European Union have invested even less political energy and financial or technical resources in the development of the Lebanese and Yemeni ministries of interior. The former ministry is considerably more developed institutionally, but still lacks the ability to conduct integrated planning for the development of its administrative, operational, and intelligence branches. Consequently, although some of its senior commanders insist that “donors don’t set policies without consulting us,” others observe that the ministry has little input in setting priorities exclusively or together with donors.

For its part, the Yemeni Ministry of Interior is nominally the recipient of relatively substantial assistance from the United States and the European Union, but this assistance is funnelled directly to the National Security Bureau, Coast Guard, and Counterterrorism Unit. While U.S. Foreign Military Financing allocations are distributed equally among the Ministry of Interior and the Ministry of Defence (both determining how to allocate the monies to their respective services), the latter tends to retain the lion’s share of training opportunities under the auspices of the International Military Education and Training program.

Intelligence

The reluctance of the United States and the European Union to address the pressing need for the reform and restructuring of intelligence agencies, which form an important part of any security sector, is especially troubling. This is partly because the United States and individual EU member states separately maintain direct, bilateral ties with Palestinian, Lebanese, and Yemeni intelligence agencies, which they jealously preserve. It is also due to the overriding emphasis on counterterrorism, which pushes aside any reform agenda.

The Palestinian case demonstrates the relationship graphically. Both the CIA and the British Secret Intelligence Service (SIS, also known as MI6) have maintained direct bilateral ties for training assistance, and information exchange with the Preventive Security Apparatus and General Intelligence Department since the mid-1990s. These ties lie entirely outside the USSC and EUPOL COPPS frameworks, and at least until 2007, were not audited internally by the Palestinian Authority. The CIA has, moreover, made regular cash payments to the two agencies since 1996, which were not reported to the Ministry of Interior, the Palestinian Authority’s General Accounting Office, or the Palestinian parliament. Part of this aid has reportedly been transferred to the Ministry of Finance since 2007, to be spent under the oversight of the Minister of Interior, but high-ranking intelligence officers and donor officials confirm that the “black bag” persists, with “tens of millions of dollars” being provided by the CIA and, more modestly, the SIS directly to the two agencies.

The gap in the reform agenda is more obvious in Lebanon, where the three principal intelligence agencies—G2 (Military Intelligence), Information Section, and *Sûreté Générale*—hold significant databases but rarely exchange or share information, have low levels of training and equipment, and are generally unable to process, analyze, and act on information received.

In Yemen, bilateralism is again the norm, with the United States, United Kingdom, and France separately cultivating ties with the National Security Bureau. Moreover, in giving pride of place to the National Security Bureau, they have sought in effect to offset, if not eclipse, its rival, the Political Security Organization. Their policy has been heavily influenced once again by the desire to develop a capable counterterrorism agency, and for this reason the donors have strived to increase coordination between the National Security Bureau and Counterterrorism Unit so that the latter becomes more of an intelligence-driven strike force. They are playing into rivalries between Yemeni agencies and commanders and reinforcing, rather than reversing, the incentive to stovepiping.

Short-termism, Shortfalls, and Stopgaps

Transformative rhetoric notwithstanding, the United States and the European Union for the most part take a “stopgap” approach to funding that focuses on the most immediate needs of recipient security sectors. No less important are the significant underfunding of the programs they support and the lack of continuous, uninterrupted disbursement of pledges.

The World Bank report to the Paris donors’ conference in December 2007 noted that the PASF “will require \$230 million in capital expenditures over three years.”³¹ Yet the bulk of aid flows have been spent on building operational capacity and training, or else channelled through PEGASE, the donor monitoring mechanism, to cover shortfalls in pay for PASF and other public sector personnel. More troubling, present plans do not provide for the eventual reintegration of the Gaza Strip, which will add substantially to the costs both of retraining and re-equipping additional battalions and of PASF retrenchment, since some account will have to be taken of the Hamas-established security sector. Indeed, the atmosphere of “permanent crisis” has impeded consideration of the unaffordable PASF pensions bill, which grew massively with the early retirement of 30,000 personnel since late 2007. This alone has the potential to derail the PASF’s entire reform and restructuring program.

Similarly, the cumulative aid pledged or actually disbursed to the Lebanese security sector is substantial, and yet its most pressing needs are seriously underfunded. This is strikingly true of the borders management project, which the United States and the European Union have identified as a top priority. They privately question Lebanese political will and commitment to resolve rivalries among the four main agencies concerned with border control—the Armed Forces, Internal Security Forces, *Sûreté Générale*, and Customs—in order to

set up a dedicated border agency as proposed to cabinet at the start of 2009. However, this overlooks the severe resource constraints faced by the Lebanese government. The Common Border Force set up by ministerial decision in July 2007 has 846 personnel, but needs another 3,000–4,000 in order to secure the country's entire borders. With the internal security agencies already experiencing a shortfall of 13,653 personnel compared to their tables of establishment, the mismatch between this particular donor priority and the funding allocated to it is stark.³²

A similar mismatch is evident in the European Commission's pledge of €4 million in August 2006 for "strengthening the internal security forces, in line with the objectives of UN Security Council Resolution 1701."³³ Despite the EU's renewing its commitment to the "security and rule of law" project in 2007, the only security contributions have come from individual member states on a bilateral basis. Typical of the scale was the United Kingdom contribution of £2 million in 2008, including "£1 million of technical and training support to the army, police, customs, and immigration services to improve Lebanon's border management."³⁴ Funding from the European Commission for 2007–2010 has gone instead to "support for political reform," comprised of €10 million for judicial and penal reform and €12 million for democracy building. The only security allocation was €14 million for demining and ordnance clearing in south Lebanon.

Yemen reveals the same problems even more starkly. The United States provided \$77.6 million in military and counterterrorism equipment and services in 2002–2006, with \$13.6 million and \$22 million in requests for 2007 and 2008, respectively. Total security funding in 2009 came to a mere \$6.5 million. Furthermore, the evacuation order placed following the bombing of the U.S. Embassy in Sanaa on March 18, 2008 meant that the rotation system by which U.S. trainers are sent to Yemen was greatly delayed, if not arrested altogether—a situation further compounded by the second bombing of the Embassy on September 17, 2008. The Obama administration is seeking to increase security funding to over \$66 million in 2010, a sharp increase on preceding levels, but this amount is still meager when measured against the strategic importance that the United States officially attaches to Yemen, seen as a terrorism and security priority second only to Afghanistan and Pakistan. U.S. leverage has never been properly developed, so it is no surprise that the Saleh government will not make painful compromises to secure fairly minor U.S. rewards.

Conclusions

The United States and the European Union have a significant role to play in encouraging and assisting security sector reform and restructuring in Palestine, Lebanon, and Yemen, criticism notwithstanding. The United States experience

in Iraq has triggered a learning curve, leading, among other things, to a greater stress on police reform and on establishing effective oversight institutions, and to growing awareness of the need to reintegrate forces on opposing sides, albeit when it best suits American political purpose to do so. Debates within the U.S. military about counterinsurgency and postconflict stabilization have contributed to the explicit inclusion, for the first time ever, of security sector reform or restructuring as a distinct element of American diplomacy and defense to be conducted by American military forces and other agencies “to support peace, security, and effective governance.”³⁵

That said, these are only incipient trends. At best, they indicate greater U.S. tolerance for the more explicit reform discourse of the European Union, while the United States continues to emphasize counterterrorism and a postconflict stabilization framework in which the focus is to “train-and-equip” frontline security forces and enhance their operational capability. This emphasis keeps the United States willing to accept the risk, however tacitly, of becoming party to domestic power struggles and of having its security assistance being harnessed to partisan agendas by local actors. The European Union’s concern to underpin the transatlantic alliance is also leading it increasingly to internalize the “war on terrorism” in its own security and development discourse and practice. In so doing, it weakens its ostensible emphasis on the rule of law and declared adherence to the core standards for security sector reform set out in *Enhancing Security and Justice Service Delivery: Governance, Peace and Security*, the revised benchmark document published by the Development Advisory Committee of the Organisation for Economic Co-operation and Development in May 2007.

Giving priority to operational, counterterrorism objectives reproduces the “culture of crisis” that sustains nondemocratic uses and governance of the security sector, impeding effective leadership and reform, as experience in Iraq since 2003 has also shown. In Palestine, Lebanon, and Yemen, the counterterrorism agenda means that “the true meaning of accountability (governmental or through civilian oversight) is once again dodged,” internal security and law and order are militarized, and the “culture of violence” is perpetuated.³⁶ In other words, official U.S. and EU discourse promoting democratic governance and human rights describes more a virtual reality than actual policy.

The crucial lessons are necessarily political. First, the United States and the European Union should emphasize reconciliation and consensus building among domestic actors in Palestine, Lebanon, and Yemen. Second, in order for local governments to take a strong lead and exercise “ownership” of genuine security sector reform and restructuring, the United States and the European Union must not make their assistance conditional on exclusionary policies towards the domestic opposition. Any reluctance to engage on these terms should be curbed by awareness of the third lesson, again drawn from Iraq; namely, there is no such thing as impact-neutral security assistance: even

“technical” training alters domestic power balances and distorts incentive structures, and it is naïve to assume that disadvantaged actors, within government sectors as well as without, will not react accordingly and seek to impede reform. Fourth, the United States and the European Union should put rhetoric about engaging “stakeholders” into practice. The one instance of systematic consultation of citizens, local government, and security officials is the series of town hall meetings organized since February 2008 by the nongovernmental Geneva Center for Democratic Control of Armed Forces with its counterparts in the West Bank. Such engagement has not been integrated into donor planning, let alone emulated in Lebanon or Yemen.

The final, critical lesson is that the bottom-up approach the United States and EU are pursuing, which emphasizes training, equipping, and building operational capacity is a necessary part of security sector reform, but it cannot progress far in a vacuum of leadership. Without an integrated system of national security policy making, political decision making, and democratic oversight, security reforms are destined to be stunted. Indeed, while the United States and the European Union have a legitimate counterterrorism agenda, pursuing it with little investment in comprehensive security sector reform and an ambivalent commitment to the rule of law undermines their declared objective of enabling state-building and post-conflict reconstruction.

The admission by Jibril Rjoub, the former head of the Preventive Security Apparatus in the Palestinian Authority, after fourteen years of international security assistance and force building, is apt: “The security forces bear their share of responsibility for the current instability in the Palestinian Territories by having for too long promoted force instead of gradual institution building and reform. Those in charge of the security forces still have to make a mental shift in order to address today’s challenges.”³⁷ This could just as well be said of the United States and the European Union, whose rhetoric about promoting democratic development and the rule of law is pious at best, and at worst disingenuous.

Notes

- 1 Colin Smith, “Sunrise for Palestinian Police,” *al-Quds* (Jerusalem), June 19, 2008.
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