

**SQUARING THE CIRCLE: PALESTINIAN SECURITY  
REFORM UNDER OCCUPATION**

Middle East Report N°98 – 7 September 2010

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## SQUARING THE CIRCLE: PALESTINIAN SECURITY REFORM UNDER OCCUPATION

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Who could be against Palestinian security reform? In the past few years, the Palestinian Authority (PA) largely has restored order and a sense of personal safety in the West Bank, something unthinkable during the second intifada. Militias no longer roam streets, uniformed security forces are back, Palestinians mostly seem pleased; even Israel – with reason to be sceptical and despite recent attacks on West Bank settlers – is encouraged. Initial steps, long overdue, have been taken to reorganise an unwieldy security sector, where overlapping, unaccountable branches had become fiefdoms of powerful chiefs. West Bankers applaud the changes but are far less comfortable with their accompaniment: unparalleled security cooperation with Israel and crackdown on opposition groups – notably but not exclusively Hamas – affecting civil society broadly. Without serious progress toward ending the occupation and intra-Palestinian divisions, support for the security measures risks diminishing, PA legitimacy could further shrivel, and ordinary Palestinians' patience – without which none of this can be sustained – will wear thin.

Security reform was high on President Abbas's agenda from the moment he assumed office in January 2005. Israeli uncooperativeness, resistance from Palestinian security chiefs and, a year later, Hamas's triumph in legislative elections got in the way. But conditions changed after the Islamists' June 2007 takeover of Gaza. Ramallah, Israel and the donor community alike all saw great urgency in bolstering Palestinian security forces (PSF). Their reasons overlapped: the PA sought to achieve a monopoly on the use of force and, importantly, pre-empt any potential Hamas challenge to its West Bank rule; Israel was intent on dismantling militant groups; and the West saw an opportunity to shore up its Palestinian allies and strike a blow against their Islamist foes. Unsurprisingly, the first phase of reform focused mainly on checking Hamas, but also on restraining Fatah militants and restoring order.

In this, the PA was largely successful. Most West Bankers – including many sympathetic to Hamas – plainly liked what they saw, satisfied at a restoration of normal life

that, only a few years earlier, had seemed out of reach. Structural reforms aimed at establishing clearer lines of authority and reducing redundancy were less visible but important.

At the same time, the achievements cannot conceal more controversial dynamics underneath. First is deepened Israeli-Palestinian cooperation. Working with the Israel Defence Forces (IDF) has been a requirement for the PA since its inception; indeed, it was a prerequisite for its creation and is inherent in its hybrid status as a semi-autonomous entity under occupation. But that has not made it any less contentious. Palestinians are ill at ease at the sight of their security force teaming up with their occupiers. The answer, offered most articulately by Prime Minister Fayyad, is that by working in tandem with Israel to bring back security, Palestinians can gain the international community's and Israel's confidence, neutralise a key Israeli argument against statehood and thus pave the way for independence. The argument is logical, though it would be far more compelling were a promising peace process at hand. The 2 September 2010 resumption of direct talks is a step in that direction, albeit highly fragile and with virtually no resonance or credibility among the Palestinian public.

The situation is further complicated by the manner of cooperation, which the PA sees as overly one-sided, an asymmetric exercise in complying with Israeli orders. Repeated, oftentimes unjustified and almost always humiliating IDF incursions into Palestinian cities, as well as strict limitations imposed on PSF areas of operation, undermine the symbols and reality of indigenous empowerment. Israel offers a different perspective. With memories of the second intifada – when Palestinian security personnel turned their guns on the IDF – and of Gaza – when Hamas effortlessly routed PA forces – still fresh, many security officials continue to harbour doubts even as they commend Palestinian progress. They question the reliability of Palestinian forces in the event of renewed West Bank disturbances as well as their ability to withstand a Hamas assault should the IDF withdraw. The re-

sult is a cautious, tight-fisted Israeli approach save in one area: the PA's anti-Hamas efforts, where convergence of interests is greatest.

A second contentious dynamic relates to intra-Palestinian relations. Restoring order and advancing a state building agenda inevitably meant going after organisations that, taking matters into their own hands, claim to be actively pursuing armed resistance against Israel; challenge the PA's attempts to monopolise the means and use of force; invite Israeli attacks; and arguably hinder diplomatic endeavours. To that extent, pursuing militant groups' armed wings was a natural extension of the effort to secure order. But the line between the militant groups' political and military expressions never has been clear and, in the context of Hamas's Gaza takeover, became more muddled still. In PA eyes, any Hamas activity in the West Bank became a potential threat to its rule. The crackdown against the Islamists' military branch seamlessly broadened into a far more controversial crackdown against its social and political manifestations and other forms of dissent.

This is not to say that security cooperation is about to end or that Palestinians are on the verge of resorting to armed struggle. Far from it. Many inhibiting factors are at play. West Bankers are worn out, exhausted of conflict and happy to recover a sense of normalcy. Not all acts of violence can be prevented, and Hamas just has shown it remains capable of armed attacks. But on the whole, would-be challengers, notably the armed wings of both Hamas and Fatah, have been weakened. The PA leadership remains convinced that any eruption of violence would hurt Palestinians far more than it would Israel. Besides, as long it shares an interest with Israel in confronting Hamas, the Authority will have scant incentive to challenge the status quo.

But just because the current process appears sustainable for now does not mean that it should be sustained. The undeniable success of the reform agenda has been built in part on popular fatigue and despair – the sense that the situation had so deteriorated that Palestinians are prepared to swallow quite a bit for the sake of stability, including deepened security cooperation with their foe. Yet, as the situation normalises over time, they could show less indulgence. Should Israeli-Palestinian negotiations collapse – and, with them, any remaining hope for an agreement – Palestinian security forces might find it difficult to keep up their existing posture.

The reform agenda also was built on the intra-Palestinian split which, in the short term, has helped foster greater PA-IDF cooperation. Still, the intensity and scope of the anti-Hamas campaign carry many important consequences. They have undercut the PA's claim to be the true national authority, weakened President Abbas's mandate to speak in the name of all Palestinians and diminished prospects

for reconciliation, thereby both complicating Israeli-Palestinian negotiations and enhancing Hamas's incentive to disrupt them. In the longer run, the split with Hamas and disregard for democratic norms are thus deeply at odds with the emergence of a strong, representative, legitimate national movement upon which Palestinians, but also Israelis, depend to achieve and sustain a historic peace agreement.

Crisis Group presents below a series of recommendations for minimising friction between the PSF and IDF, expanding the Palestinian forces' ability to operate in the West Bank, curbing human rights violations and allowing a more vigorous democratic debate. Many Palestinians almost certainly would welcome expanded authority for their security services, lesser interference by Israel and greater respect for human rights. But there should be no illusion: under present circumstances, many if not most would see these measures as beautifying the occupation – not ending it – and of obfuscating the reality of cooperation with those they believe Palestinian security forces ought to resist. Nor are the proposed steps to enhance respect for human and civil rights likely to succeed so long as the national movement remains split between its two dominant actors.

Without a credible Israeli-Palestinian peace process or their own genuine reconciliation process, Palestinians will be stuck in their long and tenuous attempt to square the circle: to build a state while still under occupation; to deepen cooperation with the occupier in the security realm even as they seek to confront it elsewhere; and to reach an understanding with their historic foe even as they prove unable to reach an understanding among themselves.

## **RECOMMENDATIONS**

### **To the Government of Israel:**

1. Allow the PSF to expand their area of operation, starting with:
  - a) increasing the PSF presence in Area B, for example by increasing the number of Palestinian police stations from fifteen to 25; and
  - b) adding parts of Area C to the PSF's operational area, in particular in the Jenin Governorate.
2. Facilitate increased Palestinian crime-fighting efforts in Area C, beginning with Hebron's H2 Area.
3. Strictly limit incursions into the PSF's operational area by:
  - a) raising the seniority level necessary to authorise an incursion to the division commander; and

- b) approving incursions only in cases of imminent attack.
- 4. Curb settler violence and other hostile acts against Palestinians, including vandalism and trespassing.

**To the Palestinian Authority in Ramallah:**

- 5. Take steps to enhance respect for human rights by:
  - a) adopting a code of conduct for security sector employees that conforms to international human rights standards;
  - b) prohibiting arrests and detentions where there is no clear suspicion of criminal activity and releasing prisoners currently held without such suspicion; and
  - c) subjecting the security services to oversight by judicial authorities.
- 6. End torture and ill-treatment by:
  - a) bringing to civilian justice security officers involved in human rights violations; and
  - b) issuing a presidential decree prohibiting all forms of torture by PA entities.
- 7. Cancel the requirement that civil sector public employees, journalists and NGO board members obtain “good conduct” certification from the security services.
- 8. Respect freedom of association on the basis of political affiliation, allow Hamas to function as a political party and refrain from closing down civil organisations, in particular charitable organisations.
- 9. Continue efforts – in cooperation with donors – to strengthen the PA’s justice sector.
- 10. Establish, pending new Palestinian Legislative Council elections, an ad hoc, independent mechanism to oversee the PSF.

**To the U.S. Government and the European Union:**

- 11. Insist on respect for human rights and increase support for the justice sector so as to bring its development into line with that of the security services.

**Ramallah/Jerusalem/Brussels, 7 September 2010**

## SQUARING THE CIRCLE: PALESTINIAN SECURITY REFORM UNDER OCCUPATION

### I. INTRODUCTION

#### A. BACKGROUND TO SECURITY REFORM

During the second intifada, which erupted in 2000, the Israel Defence Forces (IDF) fought against not only Palestinian militias but also the Palestinian Authority's (PA) own security forces, many of which joined in the uprising. In 2002, Israel reoccupied those parts of the West Bank over which it had ceded control to the PA by virtue of the Oslo II Agreement,<sup>1</sup> and by mid-year, the Palestinian Security Forces (PSF) lay in ruins. During Operation Defensive Shield (March-May)<sup>2</sup> and the subsequent Operation Determined Path (June-July), the PSF's physical and organisational infrastructure was almost entirely destroyed. In all major Palestinian cities, their headquarters – perhaps the foremost symbol of the PA's nascent authority – were demolished.<sup>3</sup> A significant amount of weaponry and other security equipment was either damaged or confiscated, and in some areas, like the Governorate of Ramallah, virtually every vehicle and computer belonging to the security services was destroyed.<sup>4</sup>

<sup>1</sup>The Oslo II Interim Agreement (September 1995) divided the West Bank into Areas A, B and C. Area A was under full Palestinian control; Area B was under Palestinian civil control and mixed Israeli/Palestinian security control; and in Area C, the PA controlled Palestinian civil affairs, and Israel retained full authority over security. Area A, from which the IDF redeployed completely, eventually comprised 17 per cent of the West Bank; Area B, 24 per cent; and Area C, 59 per cent. See Appendix B below for a map representation.

<sup>2</sup>The main part of the operation lasted until 17 April 2002, although it came to a definitive close only on 10 May.

<sup>3</sup>In Hebron, Nablus, Jenin and Jericho, PA headquarters – usually referred to as the *muqata'a* – were completely shattered, in part as a result of shelling and air strikes conducted during Operation Defensive Shield and in part by controlled demolitions undertaken during Operation Determined Path. The Ramallah *muqata'a*, which also served as President Yasser Arafat's headquarters, was largely destroyed, but a small part of the complex, in which Arafat was besieged, remained operational. PSF offices in other cities also were demolished.

<sup>4</sup>Crisis Group interview, retired Israeli brigadier general (and brigade commander during Operation Defensive Shield), Tel Aviv, March 2010.

From mid-2002 onwards, the IDF operated at will in all parts of the West Bank, and, in the absence of any civil police, armed Palestinian militias took control of the small and inaccessible pockets into which Israel had fragmented the territory. Many areas turned into veritable strongholds for the Fatah-affiliated Al-Aqsa Martyrs' Brigades.<sup>5</sup> The power vacuum also was filled by local Palestinian clans, particularly in the southern West Bank, where families took responsibility over several matters, including meting out criminal justice and ensuring physical security.

With the PA having abandoned the field, the intifada raging and the West Bank in chaos, Palestinian security sector reform assumed a central place in the 2003 U.S.-sponsored Roadmap.<sup>6</sup> That document called for resuming Israeli-Palestinian security cooperation and putting an end to "violence, terrorism and incitement through restructured and effective Palestinian security services".<sup>7</sup> Starting that year, the PSF gradually re-emerged,<sup>8</sup> in close

<sup>5</sup>Al-Aqsa Martyrs' Brigades were a network of militias affiliated with Fatah that emerged at the beginning of the second intifada (2000). They carried out armed attacks against Israeli soldiers and settlers in the occupied territories and, beginning in 2002, several suicide attacks against civilians inside Israel. They operated primarily from the West Bank but also were active in Gaza. On their birth, see Crisis Group Middle East Report N°32, *Who Governs the West Bank? Palestinian Administration under Israeli Occupation*, 28 September 2004. On the initial stages of their dismantling, see Crisis Group Middle East Report N°79, *Ruling Palestine II: The West Bank Model?*, 17 July 2008.

<sup>6</sup>"A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict", 30 April 2003. For full text, see [www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm](http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm).

<sup>7</sup>Ibid.

<sup>8</sup>Although the Israeli army had destroyed almost the entire physical infrastructure of the PSF, its organisational structure survived. Some officers went into hiding after the Israeli reoccupation, and many others were furloughed in the chaotic months that followed, but small groups of mostly senior officers continued to work, albeit unarmed and in plainclothes. Typically, they used private apartments as ad hoc offices and lacked even the most basic equipment. A retired security official said, "we never disintegrated, but we were hibernating". Crisis Group interview, Hebron, April 2010.

coordination with the IDF – first unarmed in plainclothes, then in uniform, then equipped with light weapons.<sup>9</sup> Yet, the structural reforms for which the Roadmap called – including the consolidation of various security services into three branches reporting to an empowered interior ministry – were slow to materialise. As long as Yasser Arafat remained the linchpin of a redundant security apparatus, progress was hesitant at best.<sup>10</sup>

After Arafat's death in November 2004, reforms picked up speed. His successor, Mahmoud Abbas, had no interest in armed resistance; the month after his January 2005 election as PA president, he declared an end to the intifada.<sup>11</sup> He quickly moved to reestablish discipline within the security sector, although early forays into reform were largely formal. Abbas sought to push out officers who were deemed ineffective or uncooperative,<sup>12</sup> enacted a

new law regulating the security services' activities, as well as the rights and duties of officers, and introduced a performance-based promotion scheme.<sup>13</sup> He also moved to merge security services into three branches in accordance with the Roadmap:<sup>14</sup> internal, under interior ministry control (Civil Police, Preventive Security and Civil Defence); national (National Security Forces, Military Intelligence, Naval Police, Military Liaison and Presidential Security); and General Intelligence.<sup>15</sup>

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*Legislation of the Palestinian National Authority* (Geneva Centre for the Democratic Control of Armed Forces, 2008).

<sup>13</sup>Law of Service in the Palestinian Security Forces No. 8 of 2005. Many aspects of the PSF's work remain unregulated by law. In particular, the division of labour between services is still undefined, and parts of existing legislation have been implemented half-heartedly if at all. These are detailed in *ibid*. The legal framework has developed haltingly. There are several significant laws. The Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip (September 1995) authorised six security branches (all nominally part of the Palestinian Police): Civil Police, Public Security, Preventive Security, Presidential Security, Intelligence and Civil Defence. In actuality, the PA established other security services as well; at one point, there were seventeen. The Palestinian Basic Law of 2002 – the closest thing the PA has to a constitution – said little about security services but affirmed the president as commander in chief. The Law of Services in the Palestinian Security Forces (No. 8 of 2005) stipulated the merger of the forces into three branches and, for the first time, regulated the rights and obligations of security personnel and enshrined a promotion system based on professional performance. In 2005, the PA enacted the General Intelligence Law No. 17 to better regulate a particularly anarchic agency. However, while it defined the branch's overall responsibilities, it was imprecise and, crucially, failed to demarcate its work from that of Preventive Security and Military Intelligence. Some elements – like the introduction of a deputy – have never been implemented. Crisis Group interviews, Palestinian security officials, August 2010.

<sup>14</sup>Presidential Decree Concerning the Unification of Security Forces, 14 April 2005. The reorganisation also included the dismantling of branches (for instance, Force 17, which had served as Arafat's private protection force, was merged with the Presidential Guard); attempts to harmonise the Gaza and West Bank branches of Preventive Security met with limited success.

<sup>15</sup>Today, there are six main forces. In broad terms, the Palestinian Civil Police (8,000 officers) is responsible for internal crime prevention, including daily policing, traffic control and ordinary crime. The National Security Forces (NSF) (some 7,000 personnel) is a gendarmerie-style civilian police with some military skills, but in the Palestinian context is the closest to a national army. It functions as a strategic backup for other forces, especially at demonstrations. The Presidential Guard (2,500) protects important PA officials and infrastructure, provides back-up during periods of unrest and sometimes participates in arrests. Preventive Security (4,000, including paid informants) is charged with internal counter-terrorism and monitors and polices opposition groups. General Intelligence (4,000) theoretically focuses on intelligence-collection outside the West Bank,

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<sup>9</sup>The first to reappear in uniform was the Palestinian Civil Police, which was allowed to resume work in Bethlehem in July 2003. Its tasks were heavily circumscribed – traffic policing and simple crime prevention – as was the geographical area in which it was permitted to operate: only in the very centre of the city. Over the next year, various branches of the security services began operating in other major West Bank and Gaza cities. As in Bethlehem, their operations were limited, and their operational areas covered only a small fraction of the PSF's area as defined by the Oslo II Agreement. Crisis Group interviews, PA security officials, Ramallah, Hebron and Nablus, January-August 2010.

<sup>10</sup>Arafat "relied on a combination of political cooptation, financial accommodation and intense micromanagement. [...] He governed the security sector through a strategy of 'divide and rule': he established different organisations with overlapping or parallel functions and fostered competition between their commanders so that they would refer to the *ra'is* [president] as the final arbiter". Friedrich and Luethold (eds.), *Entry-Points to Palestinian Security Sector Reform* (Geneva Centre for the Democratic Control of Armed Forces, 2007).

<sup>11</sup>There is no agreed end-point for the second intifada, though some consider it be Abbas's speech at the February 2005 Sharm al-Sheikh summit, the continuation of sporadic violence notwithstanding. In his speech, Abbas said that the PLO and the PA had "agreed with Prime Minister Ariel Sharon to stop all acts of violence against Israelis and Palestinians, wherever they are", <http://unispal.un.org/UNISPAL.NSF/0/082617960CDB7E168525707B0046A4C4>.

<sup>12</sup>In April 2005, Abbas ordered the retirement of many high-ranking and long-serving members of the PSF, replacing them with younger, more reform-minded officers. The centrepiece of this effort was a new retirement system for all personnel above the age of 60. Although the policy was largely disregarded at first, its implementation has improved over time. According to the PA interior ministry, as of August 2010 the number of officers above 60 has been reduced by some 90 per cent since 2005. At the top PSF echelon, by contrast, implementation has been considerably poorer. Crisis Group interview, interior ministry official, Ramallah, August 2010. Additional details can be found in Friedrich, Luethold and Mihem, *The Security Sector*

These initial efforts received strong encouragement from abroad. Concerned not only with the situation in the West Bank but also with the impending Israeli disengagement from Gaza, the U.S. and European Union (EU) established two support bodies that would become mainstays of the security reform process.<sup>16</sup> In March 2005, U.S. Secretary of State Condoleezza Rice dispatched a senior security coordinator, Lieutenant General William Ward, to the area to supervise security reform, a task that was soon expanded to preparing Palestinian forces for the Gaza disengagement.<sup>17</sup> The following month, the EU established a UK-led coordination office for the Palestinian police (EUCOPPS, later EUPOL COPPS)<sup>18</sup>, which was tasked with assisting the civil police and criminal justice sector.

These efforts notwithstanding, at first progress was chiefly on paper. Even as the intifada cooled, the PA still lacked the willingness or capacity to confront armed factions, like the 'Izz al-Din al-Qassam Brigades ( Hamas's military wing), Al-Quds Brigades (Islamic Jihad's military wing) and Al-Aqsa Martyrs' Brigades, nominally affiliated with Fatah, although the movement's fragmentation by that point had grown so severe that its official leadership no longer exerted effective control.

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conducts counter-espionage and liaises with intelligence agencies of other countries, but in practice, it largely overlaps with Preventive Security. Both agencies maintain executive arms in addition to dedicated intelligence personnel. Military Intelligence (2,000) is responsible for countering threats to the PA from within the security apparatus. Some, including the interior ministry, add a seventh force as well: Civil Defence, which deals with fire prevention, serious traffic accidents and contingency planning for natural disasters and pandemics. Crisis Group interviews, Palestinian security officials, June 2010. Palestinian security personnel in the West Bank total some 29,500. The PA continues to pay around 36,500 security personnel in Gaza, inactive since Hamas's takeover in June 2007. Crisis Group interview, interior ministry official, Ramallah, June 2010; the interior ministry's Security Sector Strategic Plan 2011-2013 (third draft, February 2010), copy with Crisis Group. The final version has yet to be completed.

<sup>16</sup> Some regional partners, like Egypt, also have made significant contributions.

<sup>17</sup> Elliott Abrams, deputy national security adviser to President George W. Bush, attributed the decision to dispatch Ward to three largely coincidental events: the November 2004 re-election of a president who sought to promote Arab democracy and rebuild the security forces; the death, the same month, of Yasser Arafat; and the January 2005 election of Mahmoud Abbas. Cited in an article on the Palestinian security forces by Nathan Thrall to be published shortly in the *New York Review of Books*. Manuscript on file with Crisis Group.

<sup>18</sup> The EU Coordination Office for Palestinian Police Support (EUCOPPS) was established in January 2005. It was replaced by the EU Police Coordinating Office for Palestinian Police Support (EUPOL COPPS) in November 2005.

Corruption within the security forces remained rampant and factional background still was the most important criterion for employment. Every security agency functioned as what a Palestinian analyst called a "semi-autonomous fiefdom", since there was no effective civilian oversight. Security heads enjoyed unbridled control of their services, including overspending, which bred nepotism. Professional criteria, such as education and experience, were not the standard by which personnel were hired. Instead, security chiefs cultivated and rewarded loyalty, promoting friends and family members.<sup>19</sup> Israel, unconvinced that any real change had taken place, restrained the security forces' development.

Once Hamas won the Palestinian Legislative Council election in January 2006, international support for the security sector reform dried up, as did any meaningful reform.<sup>20</sup> Without funding, the PA was unable to pay salaries to a significant part of its security forces, and, in early to mid-2007, the vast majority of officers simply stayed home.<sup>21</sup> The tug-of-war between Fatah and Hamas further balkanised what remained of the security services.

June 2007 was the turning point. Hamas's takeover of Gaza created a sense of urgency for Ramallah, Israel and the international community alike. Security reform would come to take pride of place in Salam Fayyad's agenda after he was appointed prime minister on 15 June. Spearheaded by Fayyad himself and backed strongly by Western donors, security reform ostensibly aimed at establishing a professional, de-factionalised, national force. As an essential element of the effort to counter Hamas and of the PA's state building plan, this would be no mere technical experiment. Rather, it was from the outset a profoundly political exercise.<sup>22</sup>

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<sup>19</sup> Crisis Group interview, Palestinian security analyst, Ramallah, August 2010.

<sup>20</sup> The U.S. ended all support to the security forces under the cabinet's control but channelled some money to the Presidential Guard, which reported directly to President Abbas. There are also persistent reports of continued U.S. assistance to Preventive Security, with the goal of boosting forces loyal to Fatah in the event of a confrontation with Hamas in Gaza. Crisis Group interview, Western security official, Jerusalem, August 2010.

<sup>21</sup> According to West Bank governors, only 20 to 25 per cent of PSF personnel showed up for work during this period. Crisis Group interview, West Bank governors, February-March 2008. See Crisis Group Report, *Ruling Palestine II*, op. cit.

<sup>22</sup> Placing security sector reform at the core of international state building efforts is not unique to Palestine. It has also been done, for example, in Bosnia, Kosovo, Iraq, Afghanistan and East Timor. See James Dobbins, et al., "Beginner's Guide to Nation Building", RAND Corporation, 2007.



## B. DEFINING SECURITY REFORM

With attempts to diagnose and prescribe remedies for the deficiencies of the Palestinian national movement almost as old as the cause itself, the current debates about reforming the PA have a long and variegated pedigree.<sup>23</sup> The contest over the shape and function of the security apparatus, which has been particularly sharp, dates to the transformation of the Palestine Liberation Organisation (PLO) from a movement-in-exile into a proto-state in the West Bank and Gaza. Following its establishment in 1994, the PA was entrusted with three competing and at times contradictory security tasks: as a state-in-the-making, to provide basic governance and thus basic personal security to its people in the occupied territories; as the fruit of an Israeli-Palestinian accord, to prevent hostile acts against Israel; and as subordinate to the PLO, to promote – or at a minimum not interfere with – the goal of national liberation.

The contradictions generated by the PA's hybrid identity – a semi-autonomous entity in an occupied territory – infused the question of security with contradictions that grew all the more acute during the second intifada, when the PA proved woefully incapable of safeguarding its people from Israeli attack. Even after the worst of the violence subsided, difficult questions remained. For Palestinians, a core issue is whether their security forces credibly can operate in conjunction with Israel under conditions of continued military occupation. To which there are evident corollaries: is the PA primarily designed to provide security for or from Israel? Is the aim closer security coordination with Israel or more independence from it? What is the PA's relationship to armed groups purportedly struggling for the vindication of Palestinian rights? All these questions circulated before the intifada as well, but their force had been blunted by the leadership of Arafat, whose unique ability to be all things to all people enabled him to contain contradiction.

In the most thorough treatment of Palestinian national security, Hussein Agha and Ahmad Khalidi put it as follows:

Since the 1993 Oslo Accords and the emergence of the PA on Palestinian soil, the Palestinians' basic strategic dilemma has been that of reconciling the demands of national liberation and resisting the occupation with the prerequisites of state-building .... [T]he PA faces two contradictory demands. It is expected to enforce the rule of law and banish all non-official armed manifestations. At the same time, however, it is meant to

uphold the Palestinian people's national cause including the right to resist.<sup>24</sup>

“Reform” – defined broadly in this report as encompassing not only the structure of security forces but also their agenda and mandate<sup>25</sup> – must be understood in this context. It encompasses a wide range of agendas, some local and others foreign. Indeed, given its intrinsic importance for the daily lives of West Bankers and for the PA's fate, as well as Israeli and U.S. concerns about and investments in the issue, security reform has become a proxy for debates over Palestinian national strategy writ large. Schematically posed, the debate today pits those who believe the priority is to strengthen the PA and turn it into a virtual state as a prelude to a real one against those who believe that the idea of creating a smoothly functioning Authority with efficient instruments of governance under military occupation is impossible, meaningless, strategically unwise or all of the above. To the latter, the primary goal should be to strengthen Palestinian resistance capacity, which would require sidelining or even disbanding the PA, rather than run the risk of having it perform a surrogate role for the occupation.<sup>26</sup>

Few political actors hold absolutist positions in this debate. Senior PA officials see “good governance as the highest form of resistance”;<sup>27</sup> Hamas ran in elections under Oslo's auspices and formed a government, however short-lived, under occupation. But the debate over the security agenda polarises as few issues do.

Salam Fayyad's choice in this regard has been clear. His security reform agenda represents the triumph, however embryonic, of a particular political outlook: the notion that by building institutions of a modern state, enhancing personal security and vigorously establishing a monopoly over the use of force, Palestinians can regain the international community's and Israel's confidence, neutralise a

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<sup>24</sup> Hussein Agha and Ahmad S. Khalidi, “A Framework for a Palestinian National Security Doctrine”, Chatham House (2006), pp. 84-86.

<sup>25</sup> A UN security expert and former consultant to the U.S. security coordinator (USSC, training PA forces in the West Bank) considers security sector reform in the West Bank to have been “promiscuously defined”: “Traditionally, train-equip-advise missions [which is USSC's mandate] do not fall under the rubric of security sector reform. Train-equip-advise is an element of war-fighting; it's how you build up one side in a fight so it can defeat its opponent. Security sector reform is a different exercise. It's structural and constitutional. It's about figuring out what kind of forces you need, how big they should be, how they relate to each other and the government. Equipment should be last thing you focus on in security sector reform, not the first”. Crisis Group telephone interview, August 2010.

<sup>26</sup> Crisis Group Briefing, *The Meanings of Palestinian Reform*, op. cit., pp. 4-6; 8-11; also Agha and Khalidi, op. cit., pp. 86-87.

<sup>27</sup> Crisis Group interview, Ramallah, March 2009.

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<sup>23</sup> On this debate, see Crisis Group Middle East Briefing N°2, *The Meanings of Palestinian Reform*, 12 November 2002.

key Israeli argument against statehood and thus pave the way for independence. A Palestinian official commented: “By fulfilling our security commitments, we are turning the tables. We have pulled the rug out from under some of Israel’s argumentation related to security. In this sense, security sector reform has strengthened our hand in the negotiations”.<sup>28</sup>

Although this optimistic assessment is far from universally shared by Palestinians,<sup>29</sup> some other elements of the security reform agenda enjoy relatively wide consensus. Palestinians, Israelis and donors virtually all agreed from the start on the need for security forces to restore order in the West Bank in the wake of the intifada-generated chaos. Ordinary Palestinians, including the many sympathetic to Hamas, saw this as essential to restore some normalcy;<sup>30</sup> the PA viewed it as a means to establish a greater monopoly over the use of force; and Israel believed it was necessary to dismantle militant groups. Streamlining the security sector, diminishing redundancy and establishing clearer mandates, though less of a popular demand, likewise was pushed by the U.S. during Arafat’s era and endorsed by many Palestinians as a means of rationalising the traditionally dysfunctional, unwieldy security sector. In this respect as well, the PA’s reform agenda dovetailed with international and domestic expectations – even though it inevitably irked those leaders whose status was premised on the existing power structure.

Still other aspects of the PA’s security reform agenda are more controversial, highlighting differences between Palestinians and Israel but also among Palestinians themselves. The PA and Israel theoretically agree on the need

to empower and strengthen the technical capacity of West Bank security forces, though for different reasons and pursuant to a different timeline.

The Authority presents these steps as an exercise in or a pathway toward sovereignty (and the removal of Israeli troops), to be achieved in relative short order; Israelis – still questioning the depth of Palestinian commitment to its security, the dependability of Palestinian forces in the event of renewed West Bank disturbances; and their ability to withstand a Hamas military assault should the IDF withdraw – largely view this as only early steps in a long-term process during which the PSF are to prove their reliability. As illustrated below, tensions surrounding continued Israeli presence and incursions in Palestinian areas and the asymmetric nature of security cooperation reflect such differences and showcase the inherent difficulty – some would say impossibility – of building credible, legitimate national security forces even as the occupation endures, or at least as long as its end is not in sight.

Differing views on the security forces’ purpose and mandate are equally on display among Palestinian actors. Particularly problematic in terms of building a truly national security apparatus has been the Fatah-Hamas split, which has imbued the PA’s reform agenda with a partisan edge. Leaders of both movements speak openly about the broad brush used in repressing Hamas – including unprecedented pressure on its armed branch, shuttering or changing the leadership of virtually all institutions associated with the movement and preventing its members and sympathisers from participating in certain aspects of civic life.

For Ramallah’s leaders, Hamas continues to constitute a threat to the stability of their rule, just as they deem Hamas’s adherence to armed struggle inimical to the Palestinian national interest. The Islamists naturally rail bitterly against their treatment, but they are not alone in complaining about the repression of internal dissent. Broad swathes of civil society protest what they see as a campaign of intimidation targeting PA critics. This internal disaffection is all the more perilous at a time when Palestinian security cooperation with Israel is on full display, even as scepticism and cynicism toward the diplomatic process – and prospects for an agreement – remain high.

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<sup>28</sup> Crisis Group interview, Ramallah, June 2010. A European diplomat suggested this approach may be succeeding: “Through the efforts of the Palestinian security services, the IDF’s presence in the West Bank can hardly be legitimised by the need to defend Israel. The IDF increasingly is viewed as a force to protect the settlers, not Israel in general”. Crisis Group interview, Ramallah, February 2010.

<sup>29</sup> And not even by all Fatah officials. A Fatah Central Committee member downplayed the likely diplomatic reward: “I don’t think our security efforts will significantly advance our position at the negotiation table. You give the Israelis one thing, and they simply ask for another”. Crisis Group interview, Ramallah, July 2010. A PA official echoed this view: “We have bent over backwards to please the Americans and the Israelis, but we have received very little politically in return”. Crisis Group interview, Ramallah, December 2009.

<sup>30</sup> In 2006, Agha and Khalidi wrote: “For most of the people of the West Bank and Gaza, current security boils down to ensuring their safety on the streets and their freedom to go about their daily life .... This sense of ‘insecurity’ reinforces the state-building impulse and provides a ready constituency for PA policies that aim at curbing lawlessness and instituting a strong and effective police force and judicial system”. Agha and Khalidi, *op. cit.*, p. 87.

## II. THE PALESTINIAN AUTHORITY'S SECURITY REFORM AGENDA

### A. REASSERTING CENTRAL AUTHORITY

The PA's most important initial objective was to reassert control and displace forces that had emerged in the absence of a central authority, so as to restore a sense of personal security to West Bankers.<sup>31</sup> As many observers testified at the inception of its campaign in 2007, the worst chaos already had begun to subside; the intifada was largely exhausted, and local actors had taken the initiative, however haltingly and nascently, to push hoodlums out. Still, militants could act with impunity and many, particularly those associated with the Al-Aqsa Martyrs' Brigades, did. Rumours circulated that the Executive Forces – a Gaza force staffed mainly by Hamas loyalists and established during the tug-of-war over the security services following the January 2006 elections – were setting down West Bank roots, though little concrete evidence was produced.<sup>32</sup> The PA hardly could claim a monopoly on the means of violence, which left it unable to govern, provide services, check crime, ensure public order or advance any genuine agenda. Not only public order but the very idea of a proto-state had collapsed in the West Bank.

#### 1. Checking Hamas

As Hamas seized Gaza, Fatah and the PA launched a comprehensive counteroffensive in the West Bank. Their campaign was not part of security reform per se, though it set the stage for what was to come and, in many respects, was the benchmark against which Israel and much of the West assessed the sector's performance. Assisted by the Al-Aqsa Martyrs' Brigades,<sup>33</sup> the security forces dismantled Hamas-affiliated armed cells and arrested scores of Hamas members and suspected sympathisers.<sup>34</sup> Hamas

officials were removed from governmental positions – in certain instances, physically ejected – and the security apparatus itself was purged of anyone suspected of Islamist ties.<sup>35</sup>

The campaign by and large focused on the northern part of the West Bank, where dozens of Hamas-affiliated civil society organisations – from media centres to charities – were shut down.<sup>36</sup> In contrast, the Hebron Governorate remained relatively calm until late 2007 owing to the strength of clans. With all major families – Qawasmeh, Ja'abari, Abu Sneineh, Natsheh and Tamimi – politically divided, their leaders successfully urged their respective members to remain calm and avoid confrontation, so as not to weaken the extended family structure.<sup>37</sup> Accordingly, the PA and Fatah respected the power of the clans and at first did not push its campaign in the south.

#### 2. Checking the Al-Aqsa Martyrs' Brigades

The restoration of central authority required the demobilisation of the Al-Aqsa Martyrs' Brigades which, along with gangs and other criminal elements, had taken advantage of the security forces' destruction to assert themselves in the West Bank. They cloaked themselves in the rhetoric of resistance to occupation and occasionally played a role in settling local disputes but often targeted those they claimed to protect through extortion rackets and gangland-style justice.<sup>38</sup> After June 2007, they quickly retreated from the West Bank's main population centres, for the most part within a month.<sup>39</sup>

Through a comprehensive amnesty program, many fighters gave up their weapons and promised to refrain from future armed activity; in return, Israel removed their names from its wanted lists. Israel pardoned some 343 militants in the first months after Fayyad assumed the premiership; the program has continued, and as of June 2010, some 469 fighters had been demobilised through the amnesty

<sup>31</sup> This section recapitulates and expands on Crisis Group Report, *Ruling Palestine II*, op. cit.

<sup>32</sup> The rumours were strongly denied by Hamas officials in the West Bank, who claimed that there never had been any attempt to establish the Executive Forces there. Crisis Group interview, Hamas PLC representative, June 2008. Some PA and Fatah officials agreed. A West Bank governor said, "the issue is not and never was the Executive Forces. It is not a real danger". Quoted in *ibid*.

<sup>33</sup> The Brigades initially took the lead and carried out the first violent attacks on Hamas in the West Bank, as the battle raged in Gaza. Crisis Group interview, Palestinian police officer officer, Nablus, April 2010.

<sup>34</sup> According to one estimate, the PSF arrested approximately 1,500 Hamas affiliates from 14 June to 30 September 2007. Crisis Group interviews, human rights workers, Ramallah, June 2008.

<sup>35</sup> Crisis Group interview, PA security official, Ramallah, July 2010.

<sup>36</sup> Crisis Group interview, PA security official, Nablus, April 2010.

<sup>37</sup> Crisis Group interview, head of Qawasmeh clan, Hebron, June 2010.

<sup>38</sup> Not all elements within the Brigades were seen negatively. Some, like Na'if Abu Sharikh from Nablus – in 2004 briefly their West Bank leader – enjoyed a good reputation among Palestinians. His cell reportedly never financed its activities through theft or racketeering and took funds only from Arafat. As a Nablus resident pointed out, he is still referred to "with respect and veneration" by city residents. He was killed by the IDF in June 2004. Crisis Group interviews, Nablus, August 2010.

<sup>39</sup> Crisis Group interview, PA security official, Nablus, May 2010.

arrangements.<sup>40</sup> With all militants who entered the program having been amnestied, the program today is considered to have run its course.<sup>41</sup>

The amnesty program saw its share of problems. Israel continued to target several pardoned men,<sup>42</sup> and some militants took up arms or otherwise violated the terms of their agreement.<sup>43</sup> Nevertheless, both PA and Israeli security officials regard it as a success.<sup>44</sup> The most vocal criticism of the amnesty arrangement has come from pardoned men themselves, some of whom accuse Ramallah of “betrayal” and failing to carry through on its promises.<sup>45</sup>

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<sup>40</sup> Throughout the program, there have been different categories of amnesty, with different provisions for militants. Generally speaking, 231 fighters received full amnesty, while a further 238 were accorded partial amnesty. For the latter, there were a variety of arrangements, including obligatory residency at PA security facilities, usually lasting three months, although some who lived in Area A, close to a security facility, were allowed to sleep at home. After this period, militants were eligible for amnesty, although in some cases Israel prolonged their probation. Some who were not obliged to reside temporarily at a PA security facility still faced strict travel restrictions and were forbidden to leave the governorate. Crisis Group interviews, PA security official and interior ministry official (Office for Strategic Planning), Ramallah, June 2010. The interior ministry gave Crisis Group a final tally of amnestied militants by governorate: Nablus (171), Jenin (93), Ramallah (73), Tulkarm (50), Bethlehem (32), Qalqiliya (nineteen), Salfit (fifteen), Hebron (ten) and Jericho (six). Crisis Group interview, Ramallah, June 2010.

<sup>41</sup> Crisis Group interviews, PA and Israeli security officials, Tel Aviv and Ramallah, August 2010; Crisis Group interview, PA interior ministry official, Ramallah, August 2010. According to a PA interior ministry official, ten to twenty wanted ex-militants from the Brigades are still unaccounted for. “We figure they are dead, that they fled the country or that they are still being hidden by their families”. Crisis Group interview, Ramallah, August 2010.

<sup>42</sup> During the first year after the amnesty deal, Israel arrested more than 30 men whose names appeared on the amnesty lists, including both those on probation and those who already amnestied; it killed an additional nine. Crisis Group Report, *Ruling Palestine II*, op. cit. On 25 August 2010, Israel arrested another Palestinian militant who had been included on the amnesty list, claiming he had violated the agreement. *Haaretz*, 25 August 2010.

<sup>43</sup> A few militants have carried out attacks on Israelis after being pardoned. As an example, a PA security official pointed out that one of the three Palestinians who killed a rabbi near the settlement of Shavei Shomron on 24 December 2009 had been part of the amnesty arrangement. He also said that many former militants violated the agreement by not handing in all their weapons. “Some weapons were given or sold to the PA, but the lion’s share was hidden”. Crisis Group interview, Nablus, May 2010.

<sup>44</sup> Crisis Group interviews, PA and Israeli security officials, January-June 2010.

<sup>45</sup> According to a former Brigades member, “many feel betrayed and marginalised by Ramallah. The financial support from the

Many were absorbed into the security services, especially Preventive Security,<sup>46</sup> though in lower ranking positions than they once had or thought they deserved.<sup>47</sup>

The Brigades today play no role in West Bank affairs. PA officials argue that they in effect have ceased to exist,<sup>48</sup> a perspective echoed by many former militants themselves. According to a former Brigades fighter:

There is no longer any organisation called the Al-Aqsa Martyrs’ Brigades. It belongs to the past. True, we fighters are still in contact with each other, but we are not organised. Most important, we have committed ourselves to the PA’s agenda and our intent is to work within the law.<sup>49</sup>

The few attacks carried out in the name of the Brigades have been the work of isolated individuals, not organised groups.<sup>50</sup> This view is shared by Israeli security officials.<sup>51</sup>

### 3. Public order

As armed militia men disappeared from the streets, public order was reestablished in the main population centres.<sup>52</sup>

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PA and the security forces is hardly sufficient to lead a normal life. It barely covers the cost of cigarettes”. Crisis Group interview, Nablus, April 2010.

<sup>46</sup> Many fighters had been employed by security services before the intifada, in most cases Preventive Security. During the amnesty process, security forces took on more fighters. Some were given proper jobs; many others were hired in name only and given a monthly allowance between 1,000 and 1,500 shekels [\$260-\$390]. Crisis Group interview, Brigades leader, Nablus, April 2010.

<sup>47</sup> Ibid.

<sup>48</sup> Crisis Group interview, PA security officials, Nablus, Ramallah and Hebron, April-June 2010.

<sup>49</sup> Crisis Group interview, Nablus, May 2010.

<sup>50</sup> A Palestinian analyst commented: “Today there are no Brigades, despite occasional statements to the contrary. Of course since many former militants have held onto their weapons, there is the potential for a relapse. But even if they were to go back to carrying out attacks in the name of the Brigades, they are in reality very localised and not part of a nationwide movement. Such fringe elements could wreak havoc, but only locally and not as part of broader upsurge”. Crisis Group interview, Ramallah, June 2010.

<sup>51</sup> “In general, the Israeli security establishment regards the amnesty arrangement [for Brigades militants] as a success. Nothing is perfect though, and for sure there have been a few unfortunate incidents. But our overall evaluation is very positive”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, June 2010. According to an Israeli security analyst, “the Brigades belong to the past. Some former militants might, of course, return to armed activity – and we have already seen a few examples of this – but the organisation as such has been dismantled”. Crisis Group interview, Tel Aviv, June 2010.

This has been lauded by virtually all, irrespective of political affiliation; hardly anyone interviewed by Crisis Group – including many within Hamas – would be willing to “return to the situation as it was before June 2007”.<sup>53</sup> From Jenin to Hebron, Palestinians praise their security forces for “confronting criminals and thugs”<sup>54</sup> and enabling “ordinary families to walk outside after dark”.<sup>55</sup> A community leader in Balata refugee camp drew a distinction between the period before 2007, when “the camp was controlled by thugs who partially financed their regime through theft and extortion”, and after the PA’s return, when “life changed for the better”.<sup>56</sup> A Palestinian student who returned to his native Jenin in 2008 after two years abroad was only half-joking when he said that he “hardly recognised the city without the guns in the streets”.<sup>57</sup>

The reestablishment of central control and public order proceeded in stages through a series of campaigns, the first of which was launched in November 2007. The gradual extension of PA control around the West Bank targeted ordinary criminality but also, jointly and in equal measure, Hamas as a political movement. Indeed, these two elements have been inseparable aspects of the PA’s campaign. The public order that the PA has worked to restore is one in which Hamas has no visible presence and lacks the ability to function as a political party.<sup>58</sup>

The first campaign occurred in Nablus, where local law enforcement personnel, backed by some 300 additional officers, targeted Hamas, as well as armed gangs involved in theft, extortion and murder; the confiscation of unregistered and stolen cars, like elsewhere in the West Bank, was also high on the list of priorities since they facilitate the commission of other crimes.<sup>59</sup> Public display of weapons was curbed. The second campaign, in the Jenin governorate in May 2008, also included villages surrounding the city. During the operation, more far-reaching than the Nablus precedent, scores of criminals and Hamas members as well as sympathisers were apprehended.<sup>60</sup> The operation was carried out in close coordination with the

IDF, which facilitated the movement of armed Palestinian officers through Areas B and C, in order to reach certain villages.<sup>61</sup>

The third major campaign, targeting Hebron,<sup>62</sup> for a time was blocked on account of the presence of Jewish settlements in the city centre. It began only in late 2008, after the successful operations in Nablus and Jenin, as well as improved Israeli-Palestinian security cooperation around the West Bank and the steep decline in militant activity, finally persuaded Israel to approve it.<sup>63</sup>

Because disorder in the south was relatively limited in comparison with the north and Hamas’s strength considerably greater, the PA campaign focused largely on the Islamic movement. On 25 October, more than 500 newly trained personnel were deployed in Hebron governorate to beef up the local police forces. In its initial phase, the campaign targeted the peripheral villages;<sup>64</sup> the second

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<sup>61</sup> Crisis Group interview, PA security official, Nablus, May 2010.

<sup>62</sup> Hebron never suffered the same level of chaos as the north. In the southern West Bank, the power vacuum caused by the PA’s disintegration was to a great extent filled by local clans, which provided their members physical protection and a justice mechanism. With the re-emergence of the PA, the role of the clans gradually has been reduced in Area A. A local clan leader describes today’s governance system as a “hybrid”, in which a complainant can approach both the clans and the PA; pettier crimes tend to be handled by clans, while the PA’s involvement is more pronounced (albeit not exclusive) in cases of serious offenses such as murder. With regard to murder, the PA aims to limit blood feuds by protecting offenders until the case is settled. If the families reach an agreement among themselves – typically economic compensation – the PA closes the case. In areas beyond the PA’s control, clan influence by necessity remains stronger. “In these areas, the PA tries to execute its power through the clans, not at their expense. For instance, when it comes to family feuds in Areas B and C, the PA cooperates closely with the clan leaders, knowing well that the issue cannot be solved without their cooperation”. Crisis Group interview, Ja’abari clan head, Hebron, June 2010.

<sup>63</sup> “Initially, we were reluctant to allow a security campaign in Hebron. The area is particularly sensitive due to the presence of Israeli citizens in the middle of the city. The last thing we wanted to see was a confrontation between the Palestinian security forces and the settlers. However, we were impressed by the security campaigns in Nablus and Jenin and finally accepted their request to carry out a similar operation in Hebron and its environs”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, June 2010.

<sup>64</sup> Most affected villages were in Area A. In the few in Area B, access was via coordination with the IDF. According to US Security Coordinator Keith Dayton, some villages “had not seen a uniformed Palestinian policeman since 1967”. Lieutenant General Dayton’s speech to the Washington Institute for Near East Policy, 7 May 2009. [www.washingtoninstitute.org/html/pdf/DaytonKeynote.pdf](http://www.washingtoninstitute.org/html/pdf/DaytonKeynote.pdf).

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<sup>52</sup> Crisis Group interview, Nablus and Jenin residents, January-June 2010.

<sup>53</sup> Crisis Group interview, community leader, Balata refugee camp, March 2010. A Hamas politician praised the efforts to restore public order, which he characterised as “something all Palestinians appreciate”. Crisis Group interview, Hamas PLC member, Ramallah, June 2010.

<sup>54</sup> Crisis Group interview, Hebron resident, May 2010.

<sup>55</sup> Crisis Group interview, Nablus resident, January 2010.

<sup>56</sup> Crisis Group interview, community leader, Balata refugee camp, March 2010.

<sup>57</sup> Crisis Group interview, Jenin resident, May 2010.

<sup>58</sup> See below at Section IV.A.

<sup>59</sup> Crisis Group interviews, Nablus residents, November-December 2007; and Jenin residents, May 2008.

<sup>60</sup> See Crisis Group Report, *Ruling Palestine II*, op. cit.

part of the operation took place in the city itself.<sup>65</sup> Over the course of five weeks, the PA pursued criminals as well as Islamists; approximately 150 Palestinians were arrested,<sup>66</sup> the majority of whom were either Hamas members or alleged sympathisers.<sup>67</sup> According to the PA, a significant amount of weaponry and explosives was confiscated as well.<sup>68</sup>

In Nablus, Jenin and Hebron, the clampdown on Hamas peaked during the security campaigns that ostensibly aimed to reestablish order, but it continued after the operations, albeit less intensely.<sup>69</sup> The PSF also carried out numerous smaller campaigns in other West Bank cities, like Ramallah, Tulkarm, Qalqiliya, Salfit, Tubas, Bethlehem, Halhul and Dura, typically lasting for a few days –

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<sup>65</sup> The PA campaign was limited to H1 (equivalent to Area A, ostensibly under Palestinian security control) and did not include the H2 Area (under full Israeli control). During it, the IDF reduced its presence in H1 to enable the PA to operate relatively freely. Crisis Group interview, Temporary International Presence in Hebron (TIPH) official, Hebron, May 2010. The Hebron Protocol of January 1997, part of the Oslo II framework, divided Hebron into two separate zones. H1 was to be controlled by the PA, while H2 (corresponding to Area C) was subject to full Israeli control.

<sup>66</sup> Crisis Group interview, PSF officer, Hebron, February 2010.

<sup>67</sup> Exact figures are hard to obtain, in part because the “sympathiser” label is ambiguous. Local human rights organisations estimate that a majority were arrested because of actual or suspected links to Hamas. Crisis Group interviews, human rights organisation workers, Hebron, May 2010. To many observers, the Hebron campaign seemed more politicised than those in the north. Crisis Group interview, Western security analyst, Ramallah, April 2010. A Hamas politician hedged his bets on this: “The essence of the security operation was identical in the north and the south in that Ramallah targeted all elements standing in its way. From Hamas’s perspective, there was no discernable difference in Nablus or Hebron. Still, we can say that the targeted groups in the north were more heterogeneous. Unlike in the south, the PA also confronted Fatah militants in the north, even if they were treated quite differently than Hamas”. Crisis Group interview, Hamas PLC member, Ramallah, May 2010.

<sup>68</sup> Crisis Group interview, PA security official, Hebron, March 2010.

<sup>69</sup> For instance, during the two months following the security campaign in Hebron, more than 75 additional Hamas affiliates were arrested. In June 2008, half a year after the security campaign in Nablus, the PSF rounded up approximately 50 Hamas affiliates in the northern governorate. In mid-December 2009, the PSF arrested at least 80 activists in the West Bank, apparently to avoid demonstrations on Hamas’s 22nd anniversary. In May 2010, more than 70 Palestinians with ties to Hamas were arrested immediately after Hamas declared its intention to boycott local elections, slated for 17 July (ultimately cancelled). Crisis Group interview, PA security officials, Ramallah, Nablus and Hebron, January-June 2010. However, these numbers are not the total arrests. Hamas members aver that arrests – though in smaller numbers – are an almost nightly occurrence. Crisis Group telephone interview, Hamas member, August 2010.

again, with the express purpose of restoring order but in fact involving the detention of many from Hamas.<sup>70</sup> Most of the campaigns met with little resistance, although an arrest operation in Qalqiliya in mid-2009 left eight people dead.<sup>71</sup>

The first “test”<sup>72</sup> of the PA’s ability to maintain public order while pressuring Hamas came during Operation Cast Lead, launched by Israel against Gaza on 27 December 2008. Many officials in Jerusalem and Ramallah feared mass, violent protests in the West Bank against the war.<sup>73</sup> Ultimately, demonstrations in Ramallah, Nablus and Hebron and their hinterlands turned out at most a few thousand – in stark contrast with European and Arab capitals, or even Arab-populated Israeli towns like Sakhnin,<sup>74</sup> where tens or hundreds of thousands showed up. There were several explanations besides the performance of Palestinian security forces, including lingering effects of the Hamas-Fatah divide and overall fatigue in the West Bank. Still, U.S., Israeli and Palestinian officials credited these forces with what they viewed as an unmitigated success, particularly in light of calls from the Damascus-based Hamas leadership for a third intifada.<sup>75</sup>

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<sup>70</sup> Crisis Group interview, PA interior ministry official, Ramallah, August 2010.

<sup>71</sup> On 30 May 2009, the attempted arrest of Hamas operatives in Qalqiliya ended in a lengthy gunfight and the deaths of two Hamas militants, three PSF members and a bystander. In a related operation five days later, two militants and one PSF member were killed. These were the deadliest confrontations between Fatah and Hamas since June 2007. Crisis Group interview, PA interior ministry official, Ramallah, July 2010.

<sup>72</sup> Various IDF and PSF officials characterised Operation Cast Lead as a “test” for the PSF. Crisis Group interviews, Ramallah, Jerusalem and Tel Aviv, January-June 2010. A UN official disagreed: “The new security forces have yet to be thoroughly tested. Although Operation Cast Lead had the potential of being a major test, it did not turn out that way. Hamas never really tried to mobilise”. Crisis Group interview, Jerusalem, April 2010. A former PA interior minister made the same point, adding that Fatah did not really try to mobilise either. Crisis Group interview, Ramallah, October 2009.

<sup>73</sup> IDF officials expressed fear of massive unrest in the West Bank during Operation Cast Lead, as well as positive surprise at the PA’s ability to maintain calm. Crisis Group interviews, IDF officials and West Bank governors, January to June 2010.

<sup>74</sup> According to Ynetnews, “[t]ens of thousands of people took to the streets” in the northern town of Sakhnin on 3 January 2009 to protest the war in Gaza. [www.ynetnews.com/articles/0,7340,L-3649584,00.html](http://www.ynetnews.com/articles/0,7340,L-3649584,00.html).

<sup>75</sup> In an interview with Al-Jazeera on 28 December 2008, Damascus-based Hamas leader Khaled Mesh’al said, “we called for a military intifada against the enemy. Resistance will continue through suicide missions”. <http://english.aljazeera.net/news/middleeast/2008/12/20081227232637589589.html>. PA officials repeatedly cited with pride the maintenance of calm in the West Bank as evidence of their security achievements. Cri-

As it were, ordinary, unaffiliated West Bank Palestinians – who already had been living under the new security regime for over a year – had accurately believed that quiescence was more likely.<sup>76</sup> The calm in the West Bank in fact resulted at least in part from heavy-handed intimidation by PA security forces.<sup>77</sup> A Palestinian official related that the PA sought to “allow some protest but not too much”<sup>78</sup> and “curb Hamas’s activity and limit its mass mobilisation in the West Bank”.<sup>79</sup> Several demonstrations were dissolved, and the security services frequently resorted to aggressive crowd control methods, like beating demonstrators with batons and sticks.<sup>80</sup>

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sis Group interviews, PA and U.S. officials, Ramallah and Washington, February-June 2010.

<sup>76</sup> Crisis Group interviews, Palestinian civil society activists, Ramallah, December 2008.

<sup>77</sup> See Crisis Group Middle East Report N°85, *Gaza’s Unfinished Business*, 23 April 2009; also Robert Blecher, “Operation Cast Lead in the West Bank”, *Journal of Palestine Studies*, vol. 38, no. 3 (Spring 2009), pp. 64-71.

<sup>78</sup> Crisis Group interview, PSF officer, Nablus, February 2010.

<sup>79</sup> The PA prohibited the display of Hamas (and also Fatah) paraphernalia at all demonstrations. On some occasions, mainly to avoid the PSF, Hamas moved protests to areas under full Israeli control, including H2 in Hebron. Plainclothes PSF officers attended those demonstrations to monitor the activity and take pictures of the demonstrators, some of whom were subsequently summoned for questioning. Crisis Group interview, Hebron residents, January 2010.

<sup>80</sup> According to Lieutenant General Dayton, the PSF’s handling of the demonstrations in the West Bank during Operation Cast Lead was a prime example of its new reliability: “Widespread demonstrations against the Gaza invasion occurred, of course. But they were largely peaceful and they never got out of control. The police and the gendarmerie applied the training they had learned in Jordan, and unlike past events, not a single Palestinian was killed in the West Bank during the three weeks of the Israeli presence on the ground in Gaza . . . . A good portion of the Israeli army went off to Gaza from the West Bank – think about that for a minute – and the commander was absent for eight straight days. That shows the kind of trust they were putting in these people now”. Dayton’s speech, *op. cit.* Some local human rights organisations offered a differed assessment, and on at least one occasion, Palestinian security forces opened fire on protesters, killing one and injuring several. Crisis Group interview, Independent Commission for Human Rights member, Hebron, April 2010. According to the Israeli human rights organisation B’Tselem, Israeli forces killed seven Palestinians in the West Bank during Operation Cast Lead. [www.btselem.org/english/statistics/Casualties\\_Data.asp?Category=1&region=WB&sD=27&sM=12&sY=2008&eD=18&eM=01&eY=2009&filterby=event&oferet\\_stat=during](http://www.btselem.org/english/statistics/Casualties_Data.asp?Category=1&region=WB&sD=27&sM=12&sY=2008&eD=18&eM=01&eY=2009&filterby=event&oferet_stat=during). In Hebron, a bystander videotaped the Palestinian brigade commander (NSF) beating an unarmed Hamas affiliate with a cane. Video viewed by Crisis Group staff, Hebron, May 2010. Crisis Group staff also witnessed (January 2009) Palestinian security forces hurling back stones that the demonstrating crowds had hurled toward them.

## B. REFORMING PALESTINIAN SECURITY FORCES

In parallel with these developments in the field, the security forces’ structure and operational capacity also are being upgraded. Each of the six main security agencies, in addition to the interior ministry, has been affected, but reform efforts have focused in particular on the National Security Forces (NSF) and Presidential Guard (known as the “greens”, or paramilitary forces), the civil police (known as the “blues”) and the interior ministry.<sup>81</sup> PA, Israeli and international security officials largely agree that Palestinian capabilities have improved, though the extent of the improvement, and the reasons for it remain somewhat in dispute, as does the question whether, without an IDF presence, Palestinian forces could ensure Israel’s security.<sup>82</sup>

Two programs in particular have commanded attention. The first is run by U.S. Security Coordinator Keith Dayton, who succeeded Lieutenant General William Ward in December 2005,<sup>83</sup> in cooperation with the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs.<sup>84</sup> It has provided financial and technical support for extensive train-and-equip programs for security personnel from the National Security Forces and the Presidential Guard.<sup>85</sup> The training has been carried out

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<sup>81</sup> According to an interior ministry official, some seventeen countries and international organisations have been involved in funding or training security forces since 2008. Crisis Group interview, Ramallah, June 2010. A Western security official offered a higher figure, claiming that the contribution from some countries is clandestine and does not appear in official budgets. Crisis Group interview, Ramallah, June 2010. This report focuses on reform efforts that are openly pursued and funded, though clandestine aid has facilitated the reform and expansion of PA intelligence services as well.

<sup>82</sup> Crisis Group interviews, Ramallah, Jerusalem and Tel Aviv, January-June 2010.

<sup>83</sup> The U.S. Security Coordinator runs a multinational team, staffed by about 45 military and civilian personnel from eight countries. Due to tight U.S. travel restrictions, the sixteen Americans are based in Jerusalem, while the rest operate from Ramallah. Crisis Group interview, Western security official, Ramallah, May 2010.

<sup>84</sup> This bureau is primarily known for counter-narcotics efforts in Latin America, Afghanistan and Pakistan but over the past few years has become increasingly involved in security and justice sector reform. The bulk of U.S. funding for Palestinian security sector reform is channelled through this program, which operates out of the U.S. Consulate in Jerusalem.

<sup>85</sup> The training includes a variety of subjects, such as weapons training, rapid reaction, crowd control, civil disorder management, high risk arrest and management. It also contains a section on ethics and human rights. Crisis Group interview, Western security official, Jerusalem, May 2010. The U.S. provides non-lethal assistance, including uniforms, vehicles, surveillance

at the Jordan International Police Training Centre on the outskirts of Amman,<sup>86</sup> with preparatory and supplementary sessions in Jericho.<sup>87</sup> Since its initiation in January 2008, the program has trained and equipped five of ten planned gendarmerie-style National Security battalions,<sup>88</sup> each numbering approximately 500 men.<sup>89</sup> All recruits are vetted thoroughly before being accepted into the nineteen-week program.<sup>90</sup> The U.S. Security Coordinator's Ramallah branch also has arranged leadership courses for senior- and intermediate-level security officers.<sup>91</sup>

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equipment and computers, – while others, mainly Jordan and Egypt, have supplied weapons, though Israel has prevented access for some.

<sup>86</sup> Holding the training program outside the West Bank was not simply a matter of necessity given Israeli restrictions, but integral to the process: “By training in Jordan, Palestinian officers got away from their local environment – away from their clans, away from local political influences”. Crisis Group interview, Western security official, Ramallah, January 2010.

<sup>87</sup> Two U.S.-funded training centres have been completed near Jericho, one for the Presidential Guard, one for the National Security Forces. Out of nine planned operational camps for the NSF – to function as both barracks and bases for operations in the West Bank – three are scheduled to be completed by the end of 2010. U.S. funds also have been allocated for construction of new interior ministry facilities in Ramallah. For an overview of U.S. infrastructure investments in the security sector, see “US Assistance is Training and Equipping Security Forces, but the Program Needs to Measure Progress and Faces Logistical Constraints”, Government Accountability Office (GAO), May 2010. The EU is funding security sector infrastructure projects as well, including the reconstruction of security headquarters in Hebron and Nablus, both destroyed during Operation Defensive Shield. Crisis Group interview, EU official, June 2010.

<sup>88</sup> The PA plans to station a battalion in nine out of ten West Bank's governorates (for the PA security sector, the governorates of Jenin and Tubas are deemed to constitute a single unit), with an additional one in reserve. Crisis Group interview, PA interior ministry official, September 2010.

<sup>89</sup> The first numbered around 700 men. The first and fourth battalion drew from serving National Security personnel, while the second, third and fifth were created from new recruits. Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>90</sup> In the vetting process, the names of the recruits are checked against data not only from the Palestinian security services, but also from Israel's General Intelligence Service (Shin Bet), the Israeli Police, the Jordanian security services and various data bases in Washington. Recruits with a criminal record, links to terrorism or human rights violations are excluded. Crisis Group interview, PA security official, Ramallah, June 2010. Vetting also has a clear political component. A Palestinian security analyst said, “as the vetting process has been sharpened, the new recruits do not represent a wider segment of the Palestinian society. For someone who is not affiliated to Hamas but still harbours moderate Islamist leanings, it is even harder than before to get into the forces”. Crisis Group interview, Ramallah, August 2010.

<sup>91</sup> Crisis Group interview, Western security official, Ramallah, January 2010.

Dayton and his staff have played key roles in the process. As seen from Washington, assigning a three-star general testified to U.S. commitment and has helped successive administrations to lobby Congress for support.<sup>92</sup> In Ramallah, Dayton has been even more central – or at least he was at the outset of the reform process in 2007. Since then, the PA publicly has downplayed his role, the PA interior minister going as far as to describe him as “one adviser among many in a PA-led reform process”.<sup>93</sup> Part of this relates to a clash in personalities, but problems go deeper. Dayton has a poor personal relationship with a number of senior PA officials, the prime minister included, as well as with many Obama administration officials.<sup>94</sup> PA officials early on evinced sensitivity about his role, particularly as their opponents increasingly used him to attack their government<sup>95</sup> and given what they saw as the proclivity of international envoys to take credit for what the PA felt was rightfully its own achievements. Their sensitivity reached new heights in the wake of a particularly controversial May 2009 speech he delivered at the Washington Institute for Near East Policy. Perhaps most troubling to Palestinians, Dayton said:

Upon the return of these new men of Palestine [from training in Jordan], they have shown motivation, discipline and professionalism, and they have made such a difference – and I am not making this up – that senior IDF commanders ask me frequently: “How many more of these new Palestinians can you generate, and how quickly, because they are our way to leave the West Bank”.<sup>96</sup>

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<sup>92</sup> Dayton has a positive reputation in Congress and is well liked even among members not known for pro-Palestinian sympathies. “It's not enough anymore just to support Israel and bash the Palestinians. You have to have a positive idea for how to move forward and Dayton represents that”. Crisis Group interview, Middle East policy analyst, Washington, December 2009.

<sup>93</sup> Crisis Group interview, Said Abu Ali, PA interior minister, Ramallah, April 2010.

<sup>94</sup> Crisis Group interview, Fayyad adviser, December 2009. Fayyad is said to have personally lobbied against Dayton with U.S. officials. The general's extremely strained relations with Obama administration officials reached a climax in 2010. In their assessment, he was both “very difficult to deal with” and excessively deferential toward Israeli security assessments and concerns. Crisis Group interviews, U.S. officials, June-August 2010.

<sup>95</sup> Hamas officials repeatedly refer to the PSF as “the Dayton forces”. According to a Hamas member of parliament, “the security agenda of the PA is not only foreign, but undermines the security interests of the Palestinian people. Ultimately, it represents Israeli and American interests”. Crisis Group interview, August 2010.

<sup>96</sup> General Dayton's speech, *op. cit.*



Many were offended by the idea that a U.S. general had taken credit for producing “new” Palestinians and indeed that Palestinians were in need of being remade at all. Palestinian leaders were also incensed that Dayton implied that the Palestinian security forces were helping the IDF, when he said, “the Israeli army commander in the area says [of PA forces], ‘I need their help and I can trust these guys – they don’t lie to me anymore’”. A furious Fatah leader complained: “What the hell is he trying to do? Why doesn’t he just say I’m a collaborator and get it over with?”<sup>97</sup> Dayton himself reduced his media profile after the speech “in a deliberate effort to strengthen the perception of Palestinian ownership of the security reform process”.<sup>98</sup> More broadly, he has been viewed by PA (and some U.S.) officials as overly sensitive to Israeli concerns; his private assessment that the PSF was far from being ready to assume security responsibility in the absence of an IDF presence was particularly irksome.<sup>99</sup>

In private, PA security officials acknowledge that Dayton for a time was closely involved in all major aspects of reform,<sup>100</sup> and Israeli officials give him substantial credit for

increasing their confidence in Palestinian security forces.<sup>101</sup> Still, the U.S. general’s role clearly has decreased in the past year, as Palestinians have become more assertive<sup>102</sup> and as frustration with him has grown. With the improvement of Palestinian capacity, a Western security analyst said, the security reform project “has gone on autopilot”.<sup>103</sup> In July 2010, the U.S. Department of Defense announced that Air Force Major General Michael R. Moeller would succeed Dayton.<sup>104</sup>

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their jurisdictions. Crisis Group interviews, West Bank governors, March 2008. Likewise, Dayton reportedly was involved in discussions after the 2006 elections about which security forces would be under President Abbas’s control and which would be under the government’s. Crisis Group interview, former USSC adviser, August 2010. Dayton also was said to be instrumental in the removal of Tawfiq Tirawi as chief of General Intelligence. Mohammed Najib, “Fatah elections may herald changes in Palestinian Authority security policy”, *Jane’s Defence Weekly*, v. 46, no. 32, 14 August 2009. An adviser to Dayton’s predecessor, USSC William Ward, said, “the official chain of command was clear, and the USSC was not part of it. But when an enormous gorilla walks into the room and tells you what to do, you do it. We told Palestinian officers what to do all the time. Some went along with it since they were professionals committed to a process and thought we could lead it well. Some had a political agenda. Some wanted the equipment and knew they had to behave to get it”. Crisis Group interview, August 2010.

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<sup>97</sup> Crisis Group interviews, Fatah leader, Ramallah, August 2009; also Crisis Group interviews, PA officials and Fatah leaders, Ramallah, Jenin and Nablus, June-August 2009 and July-August 2010.

<sup>98</sup> Crisis Group interview, Western security official, Jerusalem, May 2010.

<sup>99</sup> As seen above, current U.S. officials agree that Dayton hewed too closely to the Israeli view. Similar sentiments were echoed by European diplomats. Crisis Group interviews, Ramallah and Jerusalem, January-August 2010. According to one, “Dayton is in line with Israeli security officials when he argues that the PSF is not yet ready to control the entire West Bank. Such a view is hard for PA officials to accept. Dayton also recommended against two of the security campaigns – in Hebron and Nablus. Crisis Group interview, European diplomat, Jerusalem, August 2010. Another diplomat added: “Dayton – as well as Tony Blair and others in the international community – were sceptical towards the security campaign in Hebron, worrying about the settlers and the big clans, and recommending the PA to keep its focus on the north. Fayyad pushed for the campaign anyway, and it was only later – after the successful deployment – that it became identified with the USSC”. Crisis Group interview, European diplomat, Jerusalem, August 2010.

<sup>100</sup> While Dayton’s role in training and equipping is widely acknowledged, many have wondered about the extent of his involvement in operational decisions – that is, what is to be done in the field and how. “That is the black box”, said a journalist who writes about security reform, “and since nobody really knows the answer, everyone assumes the worst”. Crisis Group interview, August 2010. That said, there are some indications. In early 2008, several West Bank governors – who recently had begun chairing weekly security committee meetings of all local commanders within their governorates to decide operational issues – expressed discontent that Dayton visited local security commanders without informing the governors, though they theoretically are commanders-in-chief of all security activity in

<sup>101</sup> “Dayton was personally involved in the different aspects of reform – ranging from the curriculum at the training centre in Jordan to the sanitary conditions in the NSF barracks. With regard to the deployment of the battalions after their training in Jordan, he was always consulted, although the final decision was Palestinian – mainly Fayyad’s”. Crisis Group interview, Western security official, Jerusalem, August 2010. Another Western security official said, “Dayton has not only been an officer, but to an equal extent a diplomat” – shuttling between the Palestinian and Israeli leadership to facilitate the process. According to an Israeli security analyst, “Dayton has contributed significantly to alleviating Israeli concerns about security reform, convincing sceptics in the Israeli security establishment that the reformed PSF will be positive not only for the PA but also for Israel”. Crisis Group interview, Tel Aviv, August 2010.

<sup>102</sup> Downplaying the significance of the PA interior ministry’s decision not to renew the contracts of Western consultants in its Strategic Planning Directorate, a Western security official commented: “The ministry’s new self-assertiveness is a success for our program. After all, the aim of all assistance is to make yourself superfluous”. Crisis Group interview, Jerusalem, May 2010.

<sup>103</sup> Crisis Group interview, Western security analyst, Ramallah, January 2010.

<sup>104</sup> Moeller is scheduled to arrive in the region shortly. [www.menewline.com/print.aspx?aid=20313](http://www.menewline.com/print.aspx?aid=20313). His promotion to Lieutenant General was approved on 5 August 2010. [www.senate.gov/galleries/pdcl/index.htm](http://www.senate.gov/galleries/pdcl/index.htm).

PA security officials maintain that the National Security Forces have grown stronger,<sup>105</sup> are better trained and their non-lethal equipment has improved.<sup>106</sup> An interior ministry official indicated that newly trained personnel generally “have outperformed and fared better than other branches of the security forces during the security campaigns”.<sup>107</sup> Another testified that the quality of individual officers in the new battalions is now higher, as a result of vetting and strong competition.<sup>108</sup> Having qualified and talented commanders is particularly significant since – in the words of a former official at the interior ministry’s planning directorate – “security is about getting the right people in the right place at the right time”.<sup>109</sup> Israeli security officials also agree that their Palestinian counterparts are gradually gaining strength.<sup>110</sup>

That said, it is not entirely clear what chiefly accounts for improved performance. To be sure, few doubt that three years of training have had a positive effect. But PA weaponry has changed little,<sup>111</sup> and the training programs

arguably are not the most significant factor in the overall amelioration. A PA security official said:

The single most important factor in improving their performance is allowing them to perform. Israel has facilitated our work by increasing the PSF’s operational area and letting us work in Areas B and C. That is the basic condition for establishing control and attaining some kind of operational coherence.<sup>112</sup>

The second program is the EUPOL COPPS, which assists the PA in efforts to strengthen the civil police by providing technical advice and training in areas such as criminal investigation, crime scene management, public order, public policing, administration and internal oversight. An estimated 3,000 officers have been trained since the program’s inception in 2006.<sup>113</sup> Among PA security officials, there is widespread agreement that the police are now better trained and more adequately equipped.<sup>114</sup> A West

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<sup>105</sup> “It is hard to quantify their strength. But you can probably take it from the people who know best: their internal rivals. Since the other branches of the Palestinian security services feel threatened by the developments within the National Security Forces, you can be pretty certain that they are growing in strength and relevance”. Crisis Group interview, PA interior ministry official, Ramallah, July 2010.

<sup>106</sup> Crisis Group interviews, PA security officials, Ramallah, Nablus and Hebron, January to August 2010.

<sup>107</sup> Crisis Group interview, Ramallah, August 2010. He added: “The security campaigns demonstrated the National Security Forces’ ability to lead comprehensive operations involving all PSF branches. Despite certain mishaps – mostly stemming from lack of communication and of a clear division of labour between different agencies – they did relatively well”. He added that improved performance over time – the National Security Forces did better in Hebron than it had in Nablus or Jenin – indicated that the training was yielding dividends.

<sup>108</sup> Crisis Group interview, PA interior ministry official, August 2010.

<sup>109</sup> Crisis Group interview, September 2009. For this reason, an Israeli reserve officer and security analyst expressed concern at the prospect of the newly trained Palestinian units coming into conflict with Israeli troops. The Palestinian forces, he said, are growing increasingly proficient in small group tactics; that – as much as weaponry or other specific operational skill – could endanger Israeli troops. Crisis Group interview, Tel Aviv, November 2009. Avi Mizrahi, head of Israel’s Central Command, commented: “This is a trained, equipped, American-educated force. This means that at the beginning of a battle, we’ll pay a higher price. A force like that can shut down an urban area with four snipers. It’s not the Jenin militants anymore – it’s a proper infantry force facing us, and we need to take that into account. They have attack capabilities, and we don’t expect them to give up so easily”, *Haaretz*, 17 May 2010.

<sup>110</sup> Crisis Group interviews, Tel Aviv, January to August 2010.

<sup>111</sup> During the security sector reform, the PSF received few new weapons. The delivery of 1,000 AK-47s, to which Israel ini-

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tially agreed, has been blocked. Crisis Group interview, PA security official, Ramallah, August 2010. See also “US Assistance”, GAO, op. cit. 50 armoured personnel carriers donated by Russia to the PA in 2005 have yet to arrive due to Israeli restrictions. The Israeli press occasionally reports that the transfer is imminent, but it has not occurred. See *Haaretz*, www.haaretz.com/news/diplomacy-defense/russia-to-deliver-armored-vehicles-to-palestinian-authority-1.299428. A Russian diplomat reported that he brings up the issue repeatedly, and Israel repeatedly claims approval of the shipment. Still, “they are still stranded in Jordan. So far we have had to repaint them twice so they don’t rust”. Crisis Group interview, July 2010.

<sup>112</sup> Crisis Group interview, Ramallah, August 2010.

<sup>113</sup> The mission’s operational activities were initiated in January 2006 but discontinued after Hamas’s electoral victory the same month. The program eventually was restarted in June 2007, though only in the West Bank. Crisis Group interview, EUPOL COPPS, Ramallah, April 2010. Exact figures are hard to ascertain. The various training programs differ significantly in length, ranging from a day to several months. Furthermore, EUPOL COPPS has educated trainers, who in due course have trained other police officers, *ibid*. EUPOL COPPS supports three police internal oversight bodies, including the Bureau for Grievances and Human Rights, a new unit within the Security and Discipline Department, as well as the Inspectorate General Department. The aim, a mission member said, is to generate greater accountability and transparency among the police. Crisis Group interview, Ramallah, May 2010. Other EU programs aim at strengthening the justice sector, not least the justice ministry itself, providing courts with essential equipment and conducting training courses for judges and prosecutors. As of August 2010, the mission has 53 international staff, which will be increased to 70 by 2011. Crisis Group telephone interview, EUPOL COPPS, September 2010.

<sup>114</sup> Crisis Group interviews, Ramallah, Hebron and Nablus, May- August 2010. A PA security official added: “As opposed to other parts of the security sector reform, reform of the civil police is politically uncontroversial. Beefing up our efforts to combat ordinary crime is applauded by virtually everyone.

Bank governor said, “improving the police’s image as a trustworthy service provider is key to enhancing the PA’s legitimacy, and things slowly are getting better in this respect”.<sup>115</sup>

Foreign-led training has attracted the most attention, but the PA has undertaken its own activities as well. General Intelligence initiated a plan to improve its staff’s technical capabilities.<sup>116</sup> The agency has improved its collection and analysis capacities – the result not only of its growing network of informants<sup>117</sup> but also what a Western security official called “a more professional and streamlined system for data processing”.<sup>118</sup> This has been crucial for the performance of the security services in general, as their single greatest weakness had been intelligence gathering.<sup>119</sup>

A pivotal part of reforming the security sector has been the effort to strengthen the interior ministry. The theory is that by making the ministry the focal point of the security apparatus, power gradually will shift away from the autonomous security services and toward civilian control. A ministry official commented: “We needed to rein in the virtual autonomy of some security branches. For too long, some chiefs acted as if they, not the PA, owned their forces”.<sup>120</sup> With the ministry long relatively weak vis-à-vis various PSF branches, each reluctant to cede authority, this has been a hard-fought process.

In 2007, Abbas ordered all security services to coordinate activities with the ministry,<sup>121</sup> which created the legal framework to allow it to lead. Since then, the ministry has

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EUPOL COPPS is perceived as a facilitator rather than an active political player. EUPOL COPPS does not try to influence our security dispositions like the USSC does”. Crisis Group interview, August 2010.

<sup>115</sup> Crisis Group interview, March 2010. The police also have improved their public relations, participating in public debates, visiting schools and distributing leaflets detailing what citizens ought to do if they are crime victims.

<sup>116</sup> Around 800 General Intelligence officers have already been involved, out of a planned total of 1,200. The training program involves various technical disciplines, like surveillance and data analysis, in addition to more general subjects, like ethics and human rights. Crisis Group interview, PA intelligence official, Ramallah, June 2010.

<sup>117</sup> “The number of informants has grown, and the quality of the information we get is better than before. Not least, we have more quality information from Area C, like H2 in Hebron”. Crisis Group interview, senior Palestinian intelligence official, Ramallah, June 2010.

<sup>118</sup> Crisis Group interview, Jerusalem, June 2010.

<sup>119</sup> Crisis Group interview, National Security Forces commander, Ramallah, January 2008.

<sup>120</sup> Crisis Group interview, PA security official, Nablus, March 2010.

<sup>121</sup> Crisis Group interview, interior ministry official, Ramallah, August 2010.

registered small gains. For instance, from April 2010 onwards, the minister has hosted weekly security meetings – attended by the prime minister, interior minister and the heads of the security branches – at which strategic decisions are jointly taken.<sup>122</sup> That said, many key decisions continue to be taken elsewhere, including by security chiefs in direct consultation with Fayyad and other political actors.<sup>123</sup> The balance of power is indicated by the fact that individual security agencies can buck the ministry<sup>124</sup> and largely retain authority in financial matters, including budgeting<sup>125</sup> and, in some cases, aid.<sup>126</sup>

In practice, instead of streamlining control, beefing up the interior ministry mostly has added another actor to the mix so that today each branch has three masters: the interior minister, prime minister and president. Of the three, the ministry is the weakest; the president is the commander-in-chief and theoretically the strongest, but since Abbas often is abroad and rarely involves himself in daily affairs, much of the authority in practice falls to Fayyad.<sup>127</sup> A ministry official commented: “This means that any chief worth his salt cultivates his relations with both the prime minister and the president. Fayyad has the money

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<sup>122</sup> Crisis Group interview, interior ministry official, Ramallah, July 2010. The official explained that the meetings, before being moved to the interior ministry, were held at the president’s headquarters. Transferring the meetings out of the office of the commander-in-chief was seen as an assertion of civilian and cabinet control.

<sup>123</sup> Crisis Group interviews, interior ministry officials, Ramallah and Nablus, August 2010.

<sup>124</sup> For instance, when the interior ministry sought to introduce an inspector general, the civilian police agreed, but the National Security Forces and General Intelligence refused; Preventive Security acquiesced only on condition that it appoint its own internal inspector. Crisis Group interview, interior ministry official, Nablus, August 2010.

<sup>125</sup> Fayyad negotiates the broad outlines of budget allocations directly with each security service; the interior ministry then manages the bureaucratic process and finalises the details of each agency’s request to the finance ministry. Crisis Group interview, PA interior ministry official, Ramallah, August 2010. The official claimed: “The ministry is not yet the centre of gravity, but our involvement in budget issues is steadily increasing”.

<sup>126</sup> The ministry has promoted what it calls a “one door” funding policy in which donors would channel all security sector support through it, which in turn would disburse funds to agencies, as opposed to the current system, in place since the PA was established, whereby donors directly fund each security branch. Although an increasing number of donors provide funds directly to the ministry, some agencies – in particular Preventive Security and General Intelligence – still enjoy significant direct donor support. “It’s going in the right direction, but there’s still a long way to go”. Crisis Group interview, PA security official, Ramallah, August 2010.

<sup>127</sup> Crisis Group interview, interior ministry official, Nablus, August 2010.

and some operational control, but being on good terms with Abbas given you leverage with Fayyad".<sup>128</sup>

A key element of the centralisation process led by the interior ministry is clarifying the security branches' respective roles, as the apportioning of responsibilities among them was traditionally – and intentionally – blurred.<sup>129</sup> There has been some progress over the last few years, but results are mixed.<sup>130</sup> Military Intelligence and the Presidential Guard formally are integrated into National Security Forces but continue to operate as separate agencies.<sup>131</sup> Preventive Security, General Intelligence and Military Intelligence frequently engage in similar tasks, since it is not clear which should take the lead in targeting Hamas; plans to merge Preventive Security with General Intelligence repeatedly have been deferred.<sup>132</sup> Even on a theo-

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<sup>128</sup> Ibid. According to a PA security official, "although the security campaigns were condoned by the president, Fayyad was the main driving force. True, General Dayton was consulted, but his recommendations were not necessarily followed. The ownership was Palestinian, and Fayyad was the captain". Crisis Group interview, Ramallah, August 2010.

<sup>129</sup> Arafat frequently assigned the same tasks to different agencies, ensuring strong competition but also significant duplication.

<sup>130</sup> Crisis Group interviews, PA security officials, May-June 2010. According to both the interior ministry and key donors, the trisection of the security forces, as envisioned by the Roadmap and 2005 Security Law, is still the declared goal of the restructuring process. Security Sector Strategic Plan 2011-2013 (third draft), op. cit. According to a European aid official, "the intention was to counter the proliferation of security forces and lack of central control. The donor countries involved in security sector reform still call for its implementation, but it is perhaps not the central message we are sending today to the PA. The most important thing is to improve accountability and have a clear command structure". Crisis Group interview, Jerusalem, June 2010.

<sup>131</sup> "When the ministry of interior summons the heads of the security forces, all six heads [including those of Military Intelligence and Presidential Guard] show up". Crisis Group interview, PA security official, Ramallah, August 2010.

<sup>132</sup> In a letter to then Interior Minister Abdel Razzaq Al-Yahya, Abbas pushed for unification of General Intelligence and Preventive Security, but this met stiff opposition from both agencies. Crisis Group interview, PA interior ministry official, Ramallah, August 2010. General Intelligence and Preventive Security officials offer several reasons for the status quo. They point to incompatible institutional cultures and a surfeit of work that neither body on its own could handle. Leaders of the two agencies agree that it is less important to unify their services than to work out a rational division of labour. Crisis Group interviews, General Intelligence and Preventive Security officials, Ramallah, April and September 2009. Most external observers – while not denying the importance of other factors – contend that turf battles are at least as important, in particular because the agencies since inception have been staffed by different constituencies of the leadership. General Intelligence was the preserve of returnees from Tunisia, while Preventive Security was a redoubt for the local leadership in the West Bank and Gaza.

retical level, much work remains: the legal framework, despite recent reforms, is already outdated,<sup>133</sup> and there is scant agreement among the major actors about what it should be.<sup>134</sup>

Overall, the scorecard is somewhat ambivalent. Even though many of the deeper, more significant reforms are still underway and have yet to reach fruition, the security reform project writ large has been judged successful. Diplomats, donors and security analysts routinely describe the PA's achievements as "more than anyone could have expected".<sup>135</sup> A Western diplomat commented: "There is a consensus [within the diplomatic community] that the Fayyad government has delivered, and the cornerstone of his success is security reform. Improvements in all other sectors, including the gradual economic growth, are utterly dependent on the performance of the security forces".<sup>136</sup>

That said, it is unclear whether the security forces have improved enough either to withstand a genuine domestic challenge or to assuage Israeli concerns. As many point out, it is hard to evaluate them in the absence of a real test, which – the period of Operation Cast Lead notwithstanding – has yet to materialise; general Palestinian fatigue with unrest and desire for calm, as well as the decision by political leaders to forgo violence, at least for the time being, account for overall quiet as much as any amelioration in the services. As evidenced in cases from Iraq to Afghanistan, political loyalty and motivation together with popular assessments of whether the security forces are credible, professional and legitimate are perhaps the most important variables.<sup>137</sup> How the PSF would perform in the face of a strong security challenge in the West Bank remains unproven. A Western security official cautioned:

The U.S. reform effort has been more successful in strengthening the basic professional skills in the NSF – like arrest techniques, crowd control measures or

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Crisis Group interviews, PA security officials, Ramallah, March 2009.

<sup>133</sup> "The 2005 security law already needs to be updated, which is difficult without a functioning Palestinian Legislative Council". Crisis Group interview, interior ministry official, Ramallah, June 2010.

<sup>134</sup> "The ministry of interior broke down all the tasks pertaining to the security sector and then asked the different branches of the PSF to identify which they were responsible for. On average, each branch claimed to have responsibility over 60 per cent of all tasks in the sector". Crisis Group interview, Western security official, Ramallah, June 2010.

<sup>135</sup> Crisis Group interview, Western security analyst, Ramallah, February 2010.

<sup>136</sup> Crisis Group interview, Western diplomat, Ramallah, January 2010.

<sup>137</sup> See, eg, Crisis Group Middle East Report N°20, *Iraq: Building a New Security Structure*, 23 December 2003.

administrative skills – than affecting its culture and mindset. For instance, attempts to increase loyalty to the state – as opposed to a political faction or a clan – have not come very far.<sup>138</sup>

By far the most visible achievement to date, as a Western donor said, is that the PA “has ended the chaos in the streets and successfully combated Hamas in the West Bank”.<sup>139</sup> Beyond that, the appraisal can at best be a matter of informed speculation and political conjecture. As a Western diplomat put it:

With failures on all political fronts, Western donors here desperately needed a success story, and security sector reform became exactly that. On the one hand, within the diplomatic community, everyone is impressed with how the chaos in the West Bank came to an end. But on the other hand, we don’t have any objective way to measure the success of reform. What that has meant for many of us is that the main criterion of success is Israeli satisfaction. If the Israelis tell us that this is working well, we consider it a success.<sup>140</sup>

### **III. THE CHALLENGES OF SECURITY SECTOR REFORM: THE PA AND ISRAEL**

#### **A. ASSESSING PALESTINIAN SECURITY FORCES**

The security reform process has earned praise for the PA from the diplomatic community and media alike.<sup>141</sup> After a long period of scepticism, the Israeli security establishment began to add its voice to the chorus. A former member of the Israeli National Security Council summed up the changes:

For a long time, we had zero belief in the PA’s ability to implement anything within the security sector. Our cooperation with them was limited by a complete lack of systematic work on the Palestinian side. But Salam Fayyad is changing all of this. The Palestinian security forces are now being professionalised, with an emphasis on implementation.<sup>142</sup>

Israeli officials tend to be more effusive in private, although their public acclaim is increasing as well. Defence Minister Barak was an early enthusiast,<sup>143</sup> but even IDF Chief of Staff Gabi Ashkenazi – initially reluctant – has changed his position; he is said to comment often: “The more the

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<sup>141</sup> The Israeli and U.S. media have run a number of sometimes breathless paeans to Palestinian security accomplishments. On 11 March 2010, *Haaretz* wrote on the “security revolution” in the West Bank, praising in particular the efforts of the Palestinian Civil Police. The article described a well-trained, well-disciplined force, with remarkable results in crime fighting. “Indeed, Israel can only envy the conditions ... when it comes to the number of criminal incidents reported in the West Bank in 2009. Perhaps even more than that, Israel can envy the way they were dealt with”. *Maariv* ran a similar piece on the “Jenin Model”, 12 July 2009. See also *The New York Times*, 16 July 2009. Thomas Friedman praised the reform efforts and described Dayton as “one of the unsung good guys”. *The New York Times*, 5 June 2010.

<sup>142</sup> He did, however, temper his praise. “The Palestinian security forces do a lot and do it well. Nevertheless, we should not exaggerate. Their progress started from a very low point, from which even small steps make a huge difference. There is still a long way to go”. Crisis Group interview, former member of Israel’s National Security Council, Tel Aviv, March 2010.

<sup>143</sup> “I am a strong believer in building Palestinian capacities. There are some among us who have question marks above this, [but] I am a great believer in cooperation – in reaching a hand when possible. [There] is today in Judea and Samaria a security situation which didn’t exist for many years. And I tell you, this is the result of work on both sides .... And those walking today in Jenin or in Ramallah – and Jenin was once a stronghold of terror – see a completely different reality”. Ehud Barak, Herzliya Conference, 2 February 2010.

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<sup>138</sup> Crisis Group interview, Ramallah, January 2010.

<sup>139</sup> Crisis Group interview, Tel Aviv, June 2010.

<sup>140</sup> Crisis Group interview, August 2010.

Palestinian security forces do, the less we have to".<sup>144</sup> Security officials credit the PA with helping calm the situation in the West Bank and enabling Israel to reallocate resources elsewhere.<sup>145</sup> A former IDF intelligence official argued that the PA's cooperation "has contributed to the significant downsizing of IDF forces in the West Bank. It is quite simple. The Jenin area, which used to be a hotspot, is now a place of law and order – so fewer IDF soldiers are needed".<sup>146</sup> This has given the IDF breathing space to address a host of other problems.<sup>147</sup>

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<sup>144</sup> Crisis Group interview, former senior Israeli defence official, Tel Aviv, April 2010. The official said, "the current security set-up significantly reduces the burden on Israel's shoulders. When the Palestinians take care of our security, this is the best kind of security arrangement we can achieve". Mid-level officers echoed the positive assessment. An IDF division commander praised the PSF for its professionalism, and stated that it "acts aggressively and effectively against Hamas, achieving great successes". Col. Aviv Reshef, commander, Binyamin Division, radio interview, Reshet Beit, 27 June 2010.

<sup>145</sup> An IDF Division commander confirmed that the PSF currently acts efficiently against militants which Israeli forces used to handle; as a result, each could now "work in its niche", with the IDF focusing on "threats to Israelis or regional stability" and the PSF focusing on "Hamas and Islamic Jihad", *ibid.* A former Israeli National Security Council official attributed the downsizing of Israeli forces in the West Bank to three intertwined elements. First, there is less armed Palestinian activity. That which still exists is organised in small, secretive cells, which requires a different kind of military set-up, one that is based less on checkpoints and more on intelligence and special operation units. Secondly, the performance of the Palestinian security forces has improved. Thirdly, there is a change at the political level and particularly within the defence ministry, as Barak puts less emphasis on direct military presence. Crisis Group interview, Colonel (ret.) Itamar Yaar, Tel Aviv, May 2010.

<sup>146</sup> Crisis Group interview, former Israeli IDF intelligence official, Tel Aviv, May 2010.

<sup>147</sup> The draw-down in the West Bank has enabled the IDF to tackle some of its most longstanding structural problems. Crisis Group interview, Israeli official, Jerusalem, April 2010. The daily tasks of occupation – such as guarding settlements and outposts and staffing numerous checkpoints – demand significant personnel and had strained the IDF's human resources. Soldiers – including those in elite units such as Special Forces – in many instances were reassigned from primary missions and in some cases never completed necessary training. This was brought to light during the 2006 war in Lebanon and described in the 2007 report of the Winograd Commission (the Israeli commission of inquiry on that conflict). The IDF also reached similar conclusions through its internal evaluation of the war and initiated a series of reforms. A former Israeli National Security Council official said, "The downsizing in the West Bank is a part of a larger move within the IDF. The second Lebanon War taught the IDF that things have to change, including more training and decreasing reliance on reserve forces". Crisis Group interview, Tel Aviv, May 2010.

Still, the surface Israeli-Palestinian consensus regarding security improvement conceals disagreement over its scope and implications. Palestinian officials and activists complain about Israel's approach to their security forces which, they say, undercuts the symbols and reality of Palestinian empowerment. The perception is, of course, exacerbated by the absence of progress toward a political settlement, as a result of which the PSF runs the risk of appearing as an adjunct to the occupation rather than an instrument to accelerate its end. Ensuring law and order aside, Palestinians ask what is the mandate and goal of a security force whose actions are subject to approval by the very entity the national movement is supposed to combat. In turn, Israeli officials and policy-makers question the long-term reliability of the security apparatus.<sup>148</sup>

To an extent, more negative Israeli assessments regarding whether the PSF can be trusted and whether security can be ensured without an IDF presence can be ascribed to political calculations: harder line politicians, fearful of pressure to withdraw from most of the West Bank in order to allow establishment of a Palestinian state, are likely to point to security deficiencies – and to question the ultimate intentions of the PSF, even should their technical competency improve – to postpone that eventuality.<sup>149</sup> Among settlers in particular, just about any strengthening of the PSF thus tends to be regarded negatively.<sup>150</sup> But there is more. With memories of the second intifada – when Palestinian security personnel joined the fight against the IDF – and of Gaza – where Hamas effortlessly routed PA forces – still fresh, many security officials continue to harbour doubts even as they commend Palestinian progress. In late 2009, a former senior Israeli defence official said:

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<sup>148</sup> A Likud minister acknowledged that the "Palestinian security forces are currently combating Hamas effectively", but added: "Let's not deceive ourselves – without Israel's presence in the West Bank, the PSF will crumble". Crisis Group interview, Jerusalem, July 2010.

<sup>149</sup> In the words of a Likud official, "in the current context, the creation of a Palestinian state will bring about a typhoon that will submerge the entire Middle East. If the IDF withdraws from Judea and Samaria, then rockets will fall on Ben Gurion airport on the following day. We must avoid this". Crisis Group interview, Jerusalem, July 2010.

<sup>150</sup> Danny Dayan, chairman of the Yesha Council for Israeli settlements (an umbrella organisation for the settlements' municipal councils) prophesied that the strengthened PSF "will eventually be the catalyst for the next conflict with Israel. We are concerned by the prospects of increasing the operational area of the PSF, but even more worried about limiting the IDF's area of operation. The government of Israel will pay a dear price if the IDF withdraws to the September 2000 line and abstains from entering Area A. At every meeting with top Israeli defence officials I chant this repeatedly, like Old Cato". Crisis Group interview, July 2010.

Israelis want to feel they can trust Palestinian security forces. We are not there yet, and it still will take some time. Right now, there is little trust among our security establishment in what even the Dayton-trained forces are doing. We can only depend on the IDF, and, if the IDF is not allowed to go into West Bank cities, they quickly will become a safe harbour for Hamas. We still need the freedom to act and to react.<sup>151</sup>

For now, Israeli security officials and politicians doubt the PSF's ability to control the West Bank on its own in the event of an IDF withdrawal.<sup>152</sup> Asked what it will take to cross that line, Israeli officials tend not to stress weapons, training or infrastructure, but rather intangibles. A security official said, "more than anything else, it is a psychological issue. The PSF has to prove over a significant period of time that it is worthy of our trust. That is why we must move very slowly".<sup>153</sup> Key in this respect is the issue of PSF loyalty: whether it some day might once again turn its weapons against Israel,<sup>154</sup> whether it will

be infiltrated by militants; or whether it will effectively neutralise clan solidarity.<sup>155</sup> An adviser to Prime Minister Netanyahu said:

The Dayton forces have been performing well. However, even Dayton said that he doesn't know how long this will last. How can we know the extent to which these forces performed as a result of the presence of IDF forces around them? Can the Dayton forces really prevent a Hamas takeover if the IDF withdraws? I doubt it.<sup>156</sup>

As a result, the Israeli defence establishment broadly supports a gradual, cautious increase of the PSF's authority and mandate, including the ability of uniformed officers to move from one area to another. It also is more willing than before to remove checkpoints and share greater quality intelligence.<sup>157</sup> But the approach remains cautious. This in turn has led to frustration among PA and PSF officials.<sup>158</sup> Such disagreements are most clearly reflected on the ground, with tensions surrounding continued Israeli incursions and limitations on the area of operation for Palestinian security forces.

## B. PALESTINIAN AREAS OF OPERATION

Since 2007, Israel has allowed the PA to expand its area of operation without decisively reducing its own. Today, the PSF's operational area (ie, the area in which the PSF can operate without prior coordination with the IDF) covers most of Area A and some immediately adjacent swathes of Area B.<sup>159</sup> Occasionally, the PSF is allowed to move beyond its approved operational area, but only with prior coordination with the IDF. According to security officials and analysts, the set-up is approaching the limit of what is possible under Israel's current security approach. An Israeli brigadier general commented:

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<sup>151</sup> Crisis Group interview, November 2009. A former officer from the IDF's Strategic Planning Division noted that "though we can safely conclude that some of the IDF's downsizing in the West Bank is a result of improved Palestinian performance, it is virtually impossible to prove. There will also be those arguing that increased Israeli effectiveness has been the more important variable". Crisis Group interview, Tel Aviv, May 2010. An Israeli Defence official said, "the crucial determinant in deciding the scope of IDF's presence in the West Bank is not the effectiveness of Israeli-Palestinian cooperation but the level of threat". In this respect, he added, the PA's performance "has not changed dramatically the nature or scope of the threat". Crisis Group interview, Jerusalem, May 2010. Attitudes outside the government are equally sceptical. "The Israeli public does not generally link the relative calm in the West Bank to the performance of the Palestinian security services. It is rather attributed to the efforts of the IDF and the General Security Service, as well as the preventive effect of the separation barrier". Crisis Group interview, Gideon Levy, *Haaretz* journalist, February 2010.

<sup>152</sup> Crisis Group interviews, Tel Aviv and Jerusalem, August 2010. According to a retired IDF brigadier general, "Israel's positive evaluation of the PSF's recent efforts is entirely within the context of the current security setup – where the PSF only operates in a part of the West Bank, and the IDF maintains a solid presence. Despite progress, the PSF is not at all ready to do the job itself". Crisis Group interview, Tel Aviv, July 2010.

<sup>153</sup> Crisis Group interview, Tel Aviv, July 2010. A former defence official added: "Israel will favourably consider shifting responsibility over an area from the IDF to the PSF only when three requirements are met: the Palestinian public trusts the PSF, the Israeli security apparatus trusts the PSF and the PSF's objective capacities have improved". Crisis Group interview, Tel Aviv, August 2010.

<sup>154</sup> If Hamas were to prevail in future elections, a former Israeli defence official commented: "The PSF should be committed to the future peace agreement with Israel more than to Palestinian democracy". Crisis Group interview, Tel Aviv, August 2010.

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<sup>155</sup> "How can we trust them if *hamula* [extended family] loyalties or plain money can easily replace their commitment to Israel's security?" Crisis Group interview, former defence official, Tel Aviv, August 2010.

<sup>156</sup> Crisis Group interview, Jerusalem, August 2010.

<sup>157</sup> Crisis Group interviews, Israeli defence officials, Tel Aviv and Jerusalem, May-August 2010.

<sup>158</sup> Crisis Group interviews, Ramallah, January-August 2010.

<sup>159</sup> A PA security official estimated that the PSF's operational area covers 90 to 95 per cent of Area A, as well as small pockets in Area B. However – with the exception of central areas in the main Palestinian cities – the PSF is still subject to a partial night-time curfew and can operate between midnight and five in the morning only in coordination with the IDF. Crisis Group interview, Ramallah, August 2010.

In terms of assigning responsibilities to the Palestinians and increasing their operational area, I think we are close to the ceiling of the security cooperation, at least if there is no political process to accompany it.<sup>160</sup>

This is, first and foremost, because Palestinian security forces are not allowed near the 121 Israeli settlements and roughly 100 outposts<sup>161</sup> scattered around the West Bank.<sup>162</sup> Should Palestinian security forces substantially increase their area of operation, says a Western security analyst, “it will only be a matter of time before we will see a head-on clash between them and the settlers”.<sup>163</sup> Before the Israeli reoccupation of Area A in 2002, such incidents occurred on a regular basis, a scenario that the IDF will do its utmost to prevent.<sup>164</sup>

Israeli security officials are not only worried about potential clashes between the PSF and settlers, but also that an eventual expansion of the PSF’s operational area might lead to friction between IDF and PSF. As pointed out by an Israeli security official, “the overlapping areas of operation already is a challenge. By increasing [them], we increase the likelihood of unintended misunderstandings and mishaps, potentially leading to violent confrontations”.<sup>165</sup> Consequently, those parts of Area B deemed too close to settlements will remain off-limits to the PSF. Israeli concerns, it should be noted, relate to the settlers as well as the PA forces. An Israeli security analyst commented: “We know well that radical settler elements would love to generate confrontations with the Palestinians. It is there-

fore important to minimise the direct exposure of Palestinian security forces to these elements”.<sup>166</sup>

Israeli officials also argue that security arrangements ought to remain within the theoretical ceiling set by Oslo. Creating the precedent of Palestinian control in new locations, an intelligence official theorised, could affect future negotiations “in a negative way for Israel”.<sup>167</sup> While there “might be room for small adjustments, Israel will be very reluctant to give the PSF a bigger area than it had during the 1990s”.<sup>168</sup> According to the Oslo Accords, for instance, Palestinians are entitled to 25 police stations within Area B;<sup>169</sup> Israel is loath to exceed that limit.<sup>170</sup>

As frustrating as these limitations are, it is Israeli incursions into population centres that provoke the most bitter Palestinian condemnation. Senior Palestinian security officials all but unanimously agree that halting incursions would be the single most important step to facilitate their mission.<sup>171</sup> A West Bank governor said, “it is a question of respect. Nothing undermines Palestinian civilians’ respect for their security services more than Israeli incursions into the heart of our cities”.<sup>172</sup> Salam Fayyad repeatedly has raised the issue with Ehud Barak,<sup>173</sup> yet Israeli will-

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<sup>160</sup> Crisis Group interview, IDF brigadier general, Tel Aviv, August 2010.

<sup>161</sup> According to the Israeli organisation Peace Now, which systematically monitors Israeli settlement activity in the West Bank, there were approximately 100 outposts there as of July 2010. [www.peacenow.org.il/site/en/peace.asp?pi=58](http://www.peacenow.org.il/site/en/peace.asp?pi=58). Whereas settlements are formally sanctioned by the state, outposts are unauthorised and hence illegal under Israeli law. Outposts nonetheless have been supported by a variety of governmental bodies, as documented in an official report commissioned by former prime minister Ariel Sharon. See Sasson Report, 8 March 2005, [www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Summary+of+Opinion+Concerning+Unauthorized+Outposts+-+Talya+Sason+Adv.htm](http://www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Summary+of+Opinion+Concerning+Unauthorized+Outposts+-+Talya+Sason+Adv.htm).

<sup>162</sup> “Security coordination and continued expansion of the PSF’s area of operation will depend on the political process, and in particular, it depends on the future of the settlements. As long as the settlements are there, IDF will not allow fundamental changes – only small modifications”. Crisis Group interview, Israeli security analyst, Tel Aviv, March 2010.

<sup>163</sup> Crisis Group interview, Jerusalem, April 2010.

<sup>164</sup> Crisis Group interview, Israeli political analyst, Tel Aviv, March 2010.

<sup>165</sup> Crisis Group interview, Tel Aviv, August 2010.

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<sup>166</sup> Crisis Group interview, Tel Aviv, May 2010. A former official echoed this view: “The settlers understand well that the positive relationship between us and the PSF can lead to such situations and will do anything to prevent the PSF’s expansion. Perhaps they will even engage the PSF directly, so as to warn the IDF and the government of Israel from broadening the co-operation. They often send political messages by way of violent actions”. Crisis Group interview, former Israeli Civil Administration official, Tel Aviv, May 2010.

<sup>167</sup> Crisis Group interview, Jerusalem, May 2010.

<sup>168</sup> Crisis Group interview, IDF brigadier general, Tel Aviv, August 2010.

<sup>169</sup> Only fifteen of the 25 are operational; the other ten are used as offices, without armed personnel. Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>170</sup> Crisis Group interviews, Israeli security officials, Tel Aviv/Jerusalem, January-August 2010. According to a West Bank governor, the PA has requested permission to establish police stations in parts of Area B that were off-limits in the 1990s. So far, such requests have been turned down. Crisis Group interview, May 2010.

<sup>171</sup> Crisis Group interview, PA security officials, December 2009-April 2010.

<sup>172</sup> Crisis Group interview, March 2010. This sentiment was echoed by Tawfiq Tirawi, former head of Palestinian General Intelligence: “We need some simple steps from the Israelis. First, they should stop entering Palestinian areas and especially avoid lethal operations [like the one in Nablus in December 2009]. Second, they should refrain from arresting Palestinian security personnel and undermining their authority in public. This would be hugely important”. Crisis Group interview, Ramallah, February 2010.

<sup>173</sup> Crisis Group interview, PA official, Ramallah, June 2010. Fayyad raised the issue at his 5 July 2010 meeting with Barak.



ingness to accommodate the PA seems limited. With memories of the second intifada still fresh, the IDF is wary of constraining its freedom of operation.<sup>174</sup>

Palestinian demands that Israeli forces withdraw to the positions they held prior to the September 2000 outbreak of the intifada are thus unlikely to be satisfied soon. Israel's reoccupation of Area A in March 2002 rendered Oslo's geographical repartition essentially obsolete, and that remains the case today. This has created not just a new on-the-ground reality but a new conceptual one as well: before Operation Defensive Shield, the Israeli army largely respected Oslo's territorial delineation;<sup>175</sup> eight years later, and despite the IDF's significantly reduced presence in Palestinian cities, the status quo ante has yet to re-emerge. A former senior Israel defence official said:

Palestinians ask us to withdraw to the September 2000 lines, but that is no longer the relevant issue. The IDF already has withdrawn from many areas; but it is not prepared to accept limitations on where it can operate and undertake incursions on [an] as-needed basis. The paradigm has changed: we are not talking about permanent presence but of the ability to take action when and where necessary to deal with any anticipated threat. We are not present all the time, but we reserve the right to be present at any time.<sup>176</sup>

A Fatah Central Committee member summarised the situation as follows:

Any reference to the PA's growing control of Area A relates exclusively to inter-Palestinian affairs, that is, the PA's control over other Palestinian groups, like militias and clans. Ultimate control over Area A still remains with the Israelis. Strictly speaking, there is no such thing as Area A anymore.<sup>177</sup>

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Reuters, 5 July 2010. See also Palestine Note, 30 July 2010 at <http://palestinenote.com/cs/blogs/news/archive/2010/07/30/fayyad-build-build-despite-the-occupation.aspx>.

<sup>174</sup> According to an adviser to a top IDF official, the IDF is well aware of the harm done by incursions to PSF credibility. However, he said, "currently, there is a pilot project in Jenin, in which the IDF tries to reduce its incursions, leaving more responsibility to the PSF. It seems to be working, which might lead to an expansion of the model to other West Bank areas". Crisis Group interview, Jerusalem, July 2010.

<sup>175</sup> "Even some fifteen months into the second intifada, the IDF still largely respected the border between Area A, B and C. Although incursions into Area A did happen, they were very few compared to now". Crisis Group interview, Western security analyst, Jerusalem, February 2010.

<sup>176</sup> Crisis Group interview, November 2009.

<sup>177</sup> Crisis Group interview, Ramallah, March 2010.

Some Israelis go further:

[Within the Israeli security establishment], the IDF's complete withdrawal from Area A in accordance with Oslo II is considered to have been a disaster. It was a failed experiment, and we paid a high price for our mistake. This has also become a psychological issue. The willingness to try such an arrangement again is minimal.<sup>178</sup>

In other words, as a U.S. analyst put it, "Israel recognises the divisions between Areas A, B and C when it comes to defining Palestinian zones of operation but tends to ignore them when it comes to defining its own".<sup>179</sup>

Israel's approach stems in part from intelligence concerns. There still is significant reluctance within the intelligence community to share information with Palestinian security services; specifically, the IDF and General Intelligence Service (Shin Bet) are concerned that those forces might use information to track down collaborators and that the information would expose Israel's technical capabilities.<sup>180</sup> Sharing information that could reveal the identity of collaborators is particularly sensitive, not least because the IDF has no small number of informants within the Palestinian security forces themselves.<sup>181</sup> Accordingly, when the intelligence services receive information they consider overly sensitive, Israeli forces insist on acting themselves.<sup>182</sup> Israel also uses incursions to recruit new informants and protect its existing sources from harm.<sup>183</sup>

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<sup>178</sup> Crisis Group interview, IDF brigadier general, Tel Aviv, April 2010.

<sup>179</sup> Crisis Group interview, New York, August 2010.

<sup>180</sup> Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, March 2010.

<sup>181</sup> According to a veteran Israeli security analyst, the General Intelligence Service (Shin Bet) has penetrated all segments of the PSF hierarchy. Crisis Group interview, Jerusalem, March 2010. A PA security official said, "my impression is that the Israeli penetration of the PSF is deepening. In some of our coordination meetings with the Israelis, we have the impression that they know everything already". Crisis Group interview, PA security official, Ramallah, February 2010.

<sup>182</sup> "When the Shabak [Israeli counterintelligence and internal security service, otherwise known as Shin Bet] shares the intelligence with its Palestinian counterpart [which then carries out the arrest], the detained Palestinian will typically be released relatively soon. The reason is that Israel cannot provide the Palestinians with the necessary information to warrant a prison sentence, as its intelligence capacities and sources have to be protected. This constitutes the main limitation of Israeli-Palestinian intelligence cooperation. It's really a Catch-22 situation". Crisis Group interview, IDF brigadier general, Tel Aviv, March 2010.

<sup>183</sup> Crisis Group interview, Israeli security official, Tel Aviv, August 2010. The official explained that Israeli arrests during incursions are useful for developing networks of informants as

Even accepting this justification – which few Palestinians do – Israel’s security approach appears to be overbroad, unnecessarily hampering Palestinian performance. Some incursions appear to be carried out for no apparent security-related objective. On occasion, IDF jeeps drive into Ramallah in the middle of the day, only to circle around PA headquarters, ministries or security installations without undertaking any military operations. It is difficult to escape the conclusion, reached by many Palestinian officials, that these constitute little more than a show of force.<sup>184</sup> Nor does there seem to be a valid reason for limiting the number of Palestinian police stations in Area B.<sup>185</sup> Israel also could consider allowing the PSF to operate in Area C for purposes of fighting ordinary crime.<sup>186</sup>

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well as for protecting known informants who otherwise might face harm. An Israeli security analyst added that this is reason enough for incursions to continue for the foreseeable future: “Israel’s departure from Area A in the 1990s had a significant detrimental effect on intelligence gathering. Israel paid a huge price for this in the second intifada, and few in the Israeli security establishment are willing to try such an experiment again”. Crisis Group interview, Tel Aviv, August 2010.

<sup>184</sup> Observed by Crisis Group staff, January–April 2010. When Fayyad, in an unprecedented move, decided to hold his weekly cabinet meeting in the Hebron governor’s office after the Israeli decision to add the Ibrahimi Mosque/Cave of Machpelah to its heritage list in February 2010, IDF jeeps swirled around. Crisis Group interview, PA official, Hebron, March 2010. While Israeli security officials deny the IDF carries out non-security-related incursions, some highlight that the IDF at times enters Area A simply for its own convenience: “When moving from one part of Area C to another, the IDF might be confronted with either taking a long detour or simply passing through Area A. To save time, the IDF often chooses the latter”. Crisis Group interview, Israeli security analyst, Tel Aviv, August 2010. A possible step to reduce the incursions would be to invest the authority for approving them in more senior officers. A senior IDF official said, “Currently, the decision to perform an incursion occurs at too low a level in the IDF hierarchy, as even a brigade commander is authorized to initiate such an operation. Personally, I think the decision should be taken higher, for instance on the division commander level”. Crisis Group interview, Tel Aviv, March 2010.

<sup>185</sup> The Oslo Accords provide for 25, but this could be expanded at no security cost to Israel. An IDF official claimed Israel was looking for ways to expand the Palestinian area of operation in Ramallah, Nablus and Jenin governorates. Crisis Group interview, Tel Aviv, June 2010. This already happened to a limited extent, when Israel modified its operational maps in early 2010 – most notably in Hebron, where the PA has been allowed to move into some villages between the city and the Green Line. The PSF now operates there without prior coordination but “continues to inform the IDF about its activities in these areas”. Crisis Group interview, PA security official, Hebron, March 2010. According to new maps produced by the IDF in January–February 2010, the PSF’s area of operation in Hebron city and its immediate environs increased more than 1,000 per cent. The maps are controversial. They answer a long-standing PSF de-

## C. SECURITY COORDINATION

Of all the signs of improved Israeli-Palestinian relations, the resurrection and deepening of security coordination arguably is the most tangible. Still, there are significant differences in the two sides’ perspectives.

From Israel’s standpoint, coordination has reached virtually unprecedented levels as a result of the fight against a common enemy, namely Hamas.<sup>187</sup> With certain exceptions outlined above, the General Intelligence Service (Shin Bet) provides its Palestinian counterparts with lists of wanted militants, whom Palestinians subsequently arrest.<sup>188</sup> IDF and Israeli intelligence officials take the view that, in this regard, “coordination has never been as extensive”, with “coordination better in all respects”.<sup>189</sup> Moreover, in past years Palestinian security forces were divided and internally ill-coordinated, leading Israel to work with only some of them;<sup>190</sup> today, given a more centralised Palestinian apparatus, Israeli coordinates across the entire PA spectrum.<sup>191</sup> A senior IDF official went so far as to describe the joint work as “beyond our expectations”.<sup>192</sup>

Nevertheless, the nature of security cooperation is a source of friction. During the 1990s, coordination meant apportioning security responsibilities between Israelis and Pal-

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mand, but despite the huge increase in the outskirts of the city, the PSF was cut off from certain areas in the centre, which were under Palestinian control in the Oslo II Agreement. Crisis Group interviews, PA security official, Hebron, April–June 2010.

<sup>186</sup> Currently, Israel allows this for purposes of fighting Hamas, but only rarely in order to combat ordinary crime. Crisis Group interviews, West Bank governors, January–June 2010. The IDF could facilitate PSF crime prevention in Israeli-controlled H2 in Hebron, the only major urban centre within Area C, which harbours numerous well-known Palestinian criminals.

<sup>187</sup> This positive assessment of intelligence cooperation on Hamas is shared by Palestinians. Crisis Group interviews, PA and Israeli security officials, January–July 2010.

<sup>188</sup> Crisis Group interviews, Israeli security officials, Tel Aviv and Jerusalem, January–July 2010.

<sup>189</sup> Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, March 2010.

<sup>190</sup> “Until a few years ago, there used to be a general lack of discipline within the PSF, which negatively affected Israeli-Palestinian security coordination. On some occasions, the information did not reach the relevant PSF branches. On others, disagreement or competition within the PSF led one branch to comply, while another undermined the activity that was supposed to have been coordinated. Today, however, there is more unity in the PSF, and coordination is easier”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, July 2010.

<sup>191</sup> Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, March 2010.

<sup>192</sup> Crisis Group interview, senior IDF officer, Jerusalem, January 2010.

estinians; the IDF generally did not enter Area A, even in hot pursuit.<sup>193</sup> There were joint patrols, with armed Palestinian security personnel accompanying Israeli troops,<sup>194</sup> and joint coordination offices staffed by both Israeli and Palestinian officers.<sup>195</sup> In some parts of Area C, there was a formalised Palestinian presence.<sup>196</sup> As the PA would request Israeli permission to take action beyond its operational area, so too would Israel ask the PA for permission to enter Area A.

Today, in contrast, Palestinians feel that security coordination essentially means complying with Israeli orders.<sup>197</sup>

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<sup>193</sup> During the Oslo years, the IDF refrained from incursions into Area A. Even in tense areas, such as the border between Palestinian-controlled H1 and Israeli-controlled H2 in Hebron, it did not enter Palestinian-controlled territory. A Palestinian security official in Hebron testified that when the Israelis chased a wanted Palestinian who escaped into H1, they would end their pursuit at the border and call the PSF for assistance. Crisis Group interview, Hebron, May 2010. International observers agree that the IDF largely respected the territorial delineation even immediately following the outbreak of the second intifada, though during the second half of 2001, incursions grew more frequent, culminating with reinvasion in April 2002. Crisis Group interview, Temporary International Presence in Hebron, July 2010.

<sup>194</sup> The Oslo II Agreement (Annex 1, Article III) provided for joint patrols in fifteen specific areas in the West Bank and Gaza. These operated constantly and consisted of one Israeli and one Palestinian car, reporting to the Joint District Coordination Office (see below). The joint patrols were discontinued at the start of the second intifada, after a Palestinian officer shot and killed his Israeli counterpart in Qalqilya in late September 2000. The text of the Oslo II Agreement is at [www.jewishvirtuallibrary.org/jsourc/Peace/interim.html](http://www.jewishvirtuallibrary.org/jsourc/Peace/interim.html).

<sup>195</sup> Oslo II (Annex I, Article III) set out the structure and responsibilities of various coordination bodies. On the central command level, “mutual security matters” were coordinated through the Joint Security Coordination and Cooperation Committee, which supervised two Joint Regional Security Committees – one for Gaza, one for the West Bank – that in turn directed ten District Coordination Offices (DCOs). This mechanism collapsed after the outbreak of the second intifada.

<sup>196</sup> The Protocol Concerning the Redeployment in Hebron of 17 January 1997 (part of the Oslo II framework) provided for 50 unarmed PSF officers in plainclothes operating in Hebron’s H2 Area – referred to as “municipal inspectors”. Although their tasks were not clearly defined, their general purpose was to combat intra-Palestinian crime in H2, without weapons. Since 2003, the arrangement has been gradually revived; as of August 2010, there were approximately 40 inspectors. Crisis Group interview, PA security official, Hebron, August 2010. See [www.jewishvirtuallibrary.org/jsourc/Peace/hebprot.html](http://www.jewishvirtuallibrary.org/jsourc/Peace/hebprot.html).

<sup>197</sup> “During the Oslo period, security coordination was much more equal than it is today. This reflected the general security set-up, as the IDF actually did not enter Area A and left full responsibility to us. Consequently, if they wanted us to carry out an arrest in Area A, they had to ask us, not order us. In the coordination meetings, there was a mutual exchange of informa-

tion. Today, the Israelis require that the PSF keeps them informed about all our movements and developments, but without reciprocating”. Crisis Group interview, PA security official, Ramallah, August 2010.

Although the PA still must coordinate activities with Israel, the reverse no longer holds. As a result, the PA keeps Israel informed about both its activities in Area A and unexpected events;<sup>198</sup> requests permission for all movement outside its area of operation, including force relocation, prisoner transport, arrest operations and armed escorts for senior PA officials;<sup>199</sup> and coordinates all Palestinian police activity in Area B with the exception of certain portions in which the PA has been allowed to open a police station.<sup>200</sup> Israeli coordination with the PA for the most part is limited to prior notification when incursions occur in Area A,<sup>201</sup> during which the Palestinians are required to withdraw in order to avoid friction between the two forces.<sup>202</sup>

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tion. Today, the Israelis require that the PSF keeps them informed about all our movements and developments, but without reciprocating”. Crisis Group interview, PA security official, Ramallah, August 2010.

<sup>198</sup> For instance, during baccalaureate (*tawjihi*) exams, the PSF typically asks the IDF to ease travel restrictions, so all students are able to attend. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, June 2010.

<sup>199</sup> All PA movements from one Palestinian city to another that pass through Area B or C must be green-lighted by the IDF. All operational aspects must be approved, including the number of officers, the kinds of weapon they carry, the number and kinds of vehicles and whether they are in uniform. “Whether the request is approved or rejected depends on the circumstances. Sometimes the IDF gives a partial approval, for instance allowing the Palestinian officers through, but without weapons or uniforms”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, June 2010.

<sup>200</sup> Crisis Group interview, PA security official, Hebron, April 2010.

<sup>201</sup> “Sometimes the Palestinians are informed well in advance; other times minutes before the operation starts. This usually depends on the nature of the operation and whether intelligence can be shared with the Palestinian side or not”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, March 2010.

<sup>202</sup> “Israel and the PA have a common interest on this issue. The IDF does not want another armed force to be present when they conduct an operation – which could quickly lead to misunderstandings and unnecessary confrontations – while the Palestinian forces want to avoid being too closely associated with the Israeli army’s operation”. Crisis Group interview, Israeli security analyst, Tel Aviv, March 2010. “There have been incidents – especially in the past, when coordination was weaker – where the Palestinian forces did not withdraw when the IDF moved in. This was both dangerous and humiliating for the Palestinian forces. During an uncoordinated IDF incursion into Nablus in the beginning of 2006, the Palestinian officers panicked, as they feared being the target of Israeli fire. Some threw away their weapons and stripped off their uniforms in the middle of the street. Even during the last couple of years, when the coordination has been tight, there have been a few incidents – leading to shouting and Israeli gun-pointing. Palestinian security does its utmost to avoid such situations, as the outcome is exclusively negative. We know well that our officers risk being

More broadly, Palestinian security officials regularly complain about the asymmetric relationship and lack of reciprocity from the IDF;<sup>203</sup> Israel largely decides the scope and content of the cooperation, and the PSF has to comply.<sup>204</sup> Palestinian officials often claim that the IDF treats them as “subcontractors”, which furthers the image of coordination as a “form of collaboration”.<sup>205</sup> A former PSF security chief described the cooperation as a one-way street, more akin to synchronisation than cooperation:

In coordination meetings, the IDF gives orders and the PSF obeys. We have no choice. I think everyone in the Palestinian security establishment suffers from a kind of schizophrenia.<sup>206</sup>

Moreover, the asymmetry is on public display when the IDF carries out operations inside Palestinian cities.<sup>207</sup> For

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targeted by the Israelis if they don't get out in time”. Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>203</sup> Crisis Group interviews, PA security officials, Ramallah, Nablus and Hebron, January-August 2010. An Israeli security official acknowledged the asymmetric relationship: “Everything is different now compared to the 1990s. Today, Israel has direct control over all areas of the West Bank and so can dictate the framework for security coordination. Israel has a veto on all security issues and decides the scope of the PSF's activities”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, August 2010.

<sup>204</sup> For Israelis, the asymmetric coordination chiefly is a product of the past: “During Oslo, relations were more equal, but the coordination did not really work, despite formal mechanisms. Eventually, it collapsed, and even the PSF turned its guns on us. It was a bitter experience, and we are reluctant to make the same mistakes again”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, May 2010.

<sup>205</sup> Crisis Group interviews, PSF officers, Ramallah, Nablus and Hebron, December 2009-May 2010.

<sup>206</sup> Crisis Group interview, Ramallah, February 2010. A senior Palestinian intelligence official echoed this view: “We all say that Israeli-Palestinian security coordination is better and deeper than ever. From our side, this is definitely true. Our cooperation with the Israelis is complete. Yet there is no reciprocity, and we get very little back from them. Whenever there is a threat against an Israeli in the West Bank – be it Area A, B, C or even Jerusalem – we cooperate fully. However, when settlers attack our civilians, the IDF does not provide the same protection as we provide for theirs”. Crisis Group interview, senior Palestinian intelligence official, Ramallah, June 2010.

<sup>207</sup> During the first six months of 2010, the IDF mounted several hundred incursions into Area A, although exact figures are hard to obtain. According to the Palestinian Monitoring Group (which is affiliated with the PLO Negotiation Affairs Department), the IDF carried out some 2,100 raids around the West Bank in the first quarter of 2010, though this includes Areas B and C. It is also hard to determine what constitutes an incursion into Area A, since the IDF operates two permanent military bases inside that zone. The positions – which were established in mid-2003 – are situated on the hilltops of Harat al-Shaykh

Palestinian security forces, this *modus operandi* systematically undermines their authority in public eyes:

The *raison d'être* of the PSF is providing security, but the PSF cannot provide anyone with security from the IDF. This is achingly clear every time the IDF operates in Area A. And the IDF operates almost constantly in Area A.<sup>208</sup>

PSF officers claim that they regularly are treated disrespectfully by their Israeli counterparts, even in public. When PSF vehicles pass through IDF checkpoints, they are often searched; occasionally, IDF soldiers order Palestinian officers to dismount their cars during inspections, including in front of Palestinian civilians. A PSF officer complained: “How can we gain the respect of the Palestinian public when the IDF treats us like dogs in public?”<sup>209</sup> Some Israeli officials acknowledge this is a problem, though it has yet to be identified as a priority by the defence establishment.<sup>210</sup>

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and Jabal Abu Sneinah in H1 in Hebron, from which Palestinian gunmen occasionally opened fire at settlers during the first two years of the second intifada. Crisis Group interview, Temporary International Presence in Hebron (TIPH), Hebron, March 2010.

<sup>208</sup> Crisis Group interview, Palestinian security analyst, Abu Dis, February 2010.

<sup>209</sup> Crisis Group interview, PSF officer, Tulkarm, March 2010. “The asymmetric relationship between the IDF and the PSF is highly problematic. At the end of the day, the Israelis dictate the entire framework for cooperation; it's entirely on their premises. They regard the PSF as part of their internal security system but give it a low place in the hierarchy. Almost daily, there are incidents where PSF officers are undermined directly by the IDF: yesterday they searched a PSF vehicle outside of Nablus, forcing all the Palestinian officers to go out of the car for inspection. Why should our people respect and obey us when Israel treats us just like it treats any other Palestinians?” Crisis Group interview, PA security official, Nablus, January 2010. The IDF's lack of respect towards the PSF purportedly touches the highest Palestinian echelons: “Imagine: high-ranking PSF officers, with decades of experience, are ordered out of their cars by nineteen-year-old Israeli soldiers, yelling at them in Hebrew”. Crisis Group interview, PSF officer, Ramallah, March 2010. West Bankers confirms PSF fears: “Who will respect the PSF so long as they cannot provide us with the most basic service we need: protection from the Israeli army?” Crisis Group interview, Tulkarm resident, March 2010.

<sup>210</sup> Crisis Group interviews, IDF officials, Tel Aviv, January-August 2010. “Those in the security establishment who care about the negative effect the incursions might have for the PSF do not have the authority to influence decision-making. Only a few people on the top – like Prime Minister Benjamin Netanyahu, Defence Minister Ehud Barak, Gabi Ashkenazi (chief of staff), Avi Mizrahi (head of Central Command) and Yuval Diskin (head of Shin Bet) – could push through substantial changes in the *modus operandi*. But they are mainly con-

Not surprisingly, the PA believes that the only realm in which the IDF truly facilitates its work is the one where there is (for now) a true convergence of interests, namely the fight against Hamas and other militant groups. Palestinian requests to move into Areas B and C for other reasons – such as ordinary crime prevention and inter-Palestinian family feuds – often are rejected.<sup>211</sup> Palestinian security officials have trouble understanding how moving into a village to chase Islamist militants does not pose a risk to Israel, whereas common policing duties do,<sup>212</sup> leaving them with the impression that the IDF allows PSF intervention in Areas B and C only when it serves its needs.<sup>213</sup>

This is a source of enormous frustration for Palestinian security officials and citizens alike, since the IDF frequently ignores ordinary crime as long as it does not constitute a security threat to the settlers or the army itself.<sup>214</sup> As a result, some Israeli-controlled areas have become safe havens for thieves, drug lords and racketeers, which, according to several West Bank governors, represents one of the most significant obstacles to effective law enforcement.<sup>215</sup> Area C also provides a refuge for collaborators

who benefit from Israeli protection from the PSF; if, as happens from time to time, a collaborator venturing into Area A is apprehended by the PSF, Israel often demands immediate release. Palestinian criminals who also serve as Israeli informants pose an especially delicate problem;<sup>216</sup> the PSF claims it has been forced to release criminals to accommodate Israel's desire to protect its sources.<sup>217</sup>

In recent months, Palestinian activists claim that an implicit quid pro quo – uncomfortable for the PSF – has been emerging. According to them, as the PSF increasingly cracks down on the very type of popular resistance the PA purportedly supports – what a Palestinian analyst dubbed “doing the Israelis' dirty work”<sup>218</sup> – it is being allowed to expand its area of operation in Areas B and C. The PSF has long refused such a bargain. When Palestinians in Hebron demonstrated against the war in Gaza in January 2009, the IDF invited it to enter the city's H2 Area to disperse the demonstrators, but it declined.<sup>219</sup> During the first months of 2010, when settlers and Palestinian villagers clashed near the village of 'Iraq Burin (near Nablus), the IDF asked for assistance. Again, the PSF refused.<sup>220</sup>

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cerned with the next terrorist attack, not whether the PSF would be undermined by IDF incursions”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, March 2010.

<sup>211</sup> Crisis Group interviews, West Bank governors, January-April 2010. The PA's ability to operate is uneven across the West Bank. Palestinian requests to operate in the villages surrounding Nablus often are approved, while similar requests for H2 in Hebron – probably because of the presence of Jewish settlements in the city – typically are denied.

<sup>212</sup> Crisis Group interviews, West Bank governors, January-May 2010.

<sup>213</sup> “The IDF typically invites us to intervene in Area B and C when we cannot or do not want to – for instance to quell anti-Israeli demonstrations. But when we request entry to these very same areas to apprehend a drug dealer, a car thief or a well-known fugitive – or even to mediate in Palestinian family feuds – we are often met with refusal”. Crisis Group interview, West Bank governor, April 2010.

<sup>214</sup> An Israeli security official acknowledged the problem, explaining that the IDF's main duty in the West Bank is to protect Israeli civilians, not fight intra-Palestinian crime. It also prioritises avoiding friction between the PSF and settlers over fighting such crime. Although, he said, it would be desirable to expand the PSF's crime fighting in Area C, “we don't want them operating too close to Israeli settlements. For instance, if we allow extensive PSF operations in Hebron's Old City [in the Israeli-controlled H2 Area], there might be violent confrontations between settlers and Palestinian security officers. If such confrontations lead to fatalities, the current level of Israeli-Palestinian security coordination will be in jeopardy”. Crisis Group interview, IDF brigadier general (ret.), Tel Aviv, August 2010.

<sup>215</sup> Crisis Group interviews, West Bank governors, January-June 2010. Worse still is the public display of impunity that such a situation engenders. “Once, while visiting the Israeli-controlled

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part of Hebron (H2), the governor was approached by a well-known Palestinian criminal, who smiled broadly at the governor as he shook his hand, well aware that the governor could do absolutely nothing about it. This scene played out in the middle of the city, in front of a crowd of people who understood perfectly well what was happening”. Crisis Group interview, Samir Abuzneid, deputy governor, Hebron, June 2010.

<sup>216</sup> A PA security official alleged: “There are many collaborators among Palestinian criminals. Drug dealers operating from Area C benefit greatly from the fact that Israelis will not intervene in their activities, although this often comes with a price: the Israelis demand intelligence from them in return”. Crisis Group interview, Hebron, May 2010.

<sup>217</sup> “During the last couple of years, I know about half a dozen cases in Hebron governorate alone in which the PSF had to release drug traffickers or other criminals because they were collaborators and protected by Israel”. Crisis Group interview, PA security official, Hebron, June 2010.

<sup>218</sup> Crisis Group interview, Palestinian political analyst, Hebron, March 2010.

<sup>219</sup> “For a long time, we have asked the IDF to let us operate in Hebron's H2 Area in order to fight ordinary crime. Our requests to the IDF have been turned down. But suddenly, when people demonstrated against the Israeli aggression in Gaza, the Israelis called for our help. Well, this time we weren't interested”. Crisis Group interview, PA security official, Hebron, April 2010.

<sup>220</sup> According to a PA security official, the IDF asked the PSF to prevent Palestinians from reaching the area of friction. The PSF refused. “If the IDF had simultaneously committed to barring settlers from entering the same area, we might have considered the issue differently”. Crisis Group interview, Nablus, March 2010. That said, in February 2010, the PSF accepted the IDF's invitation to intervene in H2, quelling small-scale riots a few hundred metres into the Israeli-controlled area. Crisis Group

Nevertheless, some observers claim that the expansion of the PSF's area of responsibility is growing alongside a greater willingness to confront what Israel perceives as security threats.<sup>221</sup> In mid-2010, for example, the PSF detained non-violent Palestinian activists in Areas B and C. On 5 April, the civil police entered into the village of Beit Ummar in the southern West Bank and detained Musa Abu Maria, a well-known local activist against the Separation Barrier. Although the police later claimed the arrest was a mistake and released him,<sup>222</sup> they also made a failed attempt to arrest another activist in that village the same night.<sup>223</sup>

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interview, PA security official, September 2010. In mid-March, Palestinian forces moved further into H2, dispersing rioters at the Old City entrance, metres away from a settlement. Crisis Group interview, PA security official, Hebron, March 2010.

<sup>221</sup> Crisis Group interview, Western security official, Jerusalem, April 2010. When asked about a possible quid pro quo, a PA security official did not confirm but replied: "The Israelis have always set demands for the expansion of the PSF's area, first and foremost that we combat anti-Israel militancy, but now also – and to an increasing degree – that we deal with popular resistance. The Israelis have repeatedly invited us to operate in certain parts of Areas B and C – beyond our current operational area – on the condition that we deal with the Palestinian demonstrators there". Crisis Group interview, PA security official, Ramallah, August 2010. Another Palestinian security official went further: "When the PSF is offered the opportunity to expand its area, its reflexive reaction is to say 'yes'. In general, the desire to extend its responsibilities outweighs other concerns". Crisis Group interview, PA security official, Nablus, April 2010. An Israeli security official said, "the current security set-up is completely performance-based. Any expansion of the PSF's role depends on its cooperativeness as well as its ability to actually deliver. Although curbing popular resistance is not the most important element – it is clearly less important than fighting terrorism – it is still a piece of the puzzle". Crisis Group interview, Tel Aviv, August 2010.

<sup>222</sup> Crisis Group interview, PA security official, Hebron, May 2010. PA security officials offered different rationales for Abu Maria's arrest. Initially, the PSF in Hebron said it was a question of mistaken identity. See Ma'an News Agency. [www.maannews.net/eng/ViewDetails.aspx?ID=274129](http://www.maannews.net/eng/ViewDetails.aspx?ID=274129). A few days later, Palestinian police said the arrest had been precipitated by his alleged assault on a PSF officer in plainclothes. Ma'an News Agency. [www.maannews.net/eng/ViewDetails.aspx?ID=274683](http://www.maannews.net/eng/ViewDetails.aspx?ID=274683).

<sup>223</sup> Crisis Group interview, Musa Abu Maria, Beit Ummar, May 2010. He interpreted the move as an attempt by Ramallah to control village activism: "The Palestinian police are repressing any resistance that does not take place under PA auspices". Ibid. During Crisis Group's interview with Abu Maria, a Palestinian official presenting himself as the general secretary of the PA-run Palestinian Popular Committee, entered the room. According to the official, known to Crisis Group as a Preventive Security officer, he had come to "check on Abu Maria". Some observers attributed the PA's crackdown in Beit Ummar (Area

## IV. THE CHALLENGES OF SECURITY SECTOR REFORM: THE PA AND PALESTINIANS

### A. HAMAS

As Fatah-affiliated security forces collapsed in Gaza, repressing Hamas became, in the words of a Palestinian security official, a matter of "self-preservation" for the PA.<sup>224</sup> Three years later, Hamas remains its primary target even though whatever military strength the Islamists had in the West Bank in June 2007 appears to have been significantly degraded if not decimated. An interior ministry official said, "We do not want to fight Israel, Egypt or Jordan. The main target of our security services is Hamas".<sup>225</sup> While precise information on the subject is extremely difficult to obtain, a West Bank governor reflected the prevailing assessment of PA security officials, Hamas members and independent analysts when he claimed that Hamas, while capable of conducting isolated attacks, no longer has the capacity to carry out coordinated, large-scale operations.<sup>226</sup> In the words of a senior PA intelligence official, Hamas has "some scattered individual cells, but no broad military structure".<sup>227</sup>

Successive West Bank attacks conducted as direct Israeli-Palestinian negotiations were launched were seen by some as casting earlier estimates of Hamas's reduced capabilities in doubt. The Islamist organisation's armed wing quickly took responsibility for the 31 August 2010 killing of four settlers near the city of Hebron and for the attack

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B), to its desire to open a police station there. Crisis Group interview, Western security official, Ramallah, April 2010.

<sup>224</sup> "After June 2007, we came to regard Hamas as an existential threat, as a movement that had the potential to threaten the PA. If the PA had not reacted with force against Hamas – combating it both politically and militarily – Hamas would quickly have recovered and perhaps gained control in the West Bank". Crisis Group interview, presidential adviser, Ramallah, June 2010. That said, most believe the extensive IDF presence in the West Bank precluded the possibility. "The IDF would never have let Hamas take over the West Bank in 2007 – or today, for that matter. What became possible in Gaza after Israel's unilateral withdrawal from Gaza in August 2005 is simply not possible in the West Bank". Crisis Group interview, Israeli security official, Jerusalem, June 2010.

<sup>225</sup> Crisis Group interview, PA interior ministry official, Ramallah, August 2010.

<sup>226</sup> Crisis Group interview, West Bank governor, April 2010. Speaking before the recent attacks, a Jenin journalist with close ties to Hamas agreed, although he added: "It wouldn't be very hard to undertake an isolated attack. All you need is a rusty gun to shoot at a car. It doesn't even matter if you hit it or not. It would give the impression that the movement is still there and functioning". Crisis Group interview, August 2010.

<sup>227</sup> Crisis Group interview, Ramallah, June 2010.

that injured two more the following day near Ramallah. Abu Obeida, the Qassam spokesman, said the message of the first operation was that “despite the campaign by the ‘Fatah’ authority and the occupation to uproot the resistance, it remains and is present and can strike at the time and place of its choosing”.<sup>228</sup> Although Hamas leaders uniformly denied any connection between the attacks and the start of direct negotiations,<sup>229</sup> there is reason for scepticism. On several occasions in the past, Hamas leaders have suggested that by launching attacks in the West Bank, they would provoke large-scale Israeli retaliation that would end any immediate diplomatic prospects.<sup>230</sup>

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<sup>228</sup> Drawing a distinction relatively unusual for Hamas, his statement justified the attack by saying that it “was carried out in the territories that have been occupied since 1967 and targeted only Zionist aggressors – those who have escaped recently from paying the price of their crimes – and so it is a legitimate operation that does not go beyond a response to all these crimes about which it is not permissible to be silent”. Accessed 31 August at [www.alqassam.ps/arabic/index.php](http://www.alqassam.ps/arabic/index.php).

<sup>229</sup> Crisis Group interviews, Hamas officials, Gaza, September 2010. A senior Hamas leader in Gaza, Mahmoud Zahar, argued that the timing of the attack was “decided by people in the field. There are those who say that the timing was intended [to coincide with the negotiations], but it wasn’t. When people have opportunities, capabilities and targets, they act. Trying to belittle the operation by tying it to negotiations is absolutely incorrect”. *Al-Sharq al-awsat*, 2 September 2010. Hamas officials have long argued that the peace process would collapse on its own because of its inherent flaws and that the organisation had neither need nor interest in torpedoing it. Crisis Group interviews, Hamas officials, Damascus, Beirut and Gaza, 2009–2010. It is thus logical for them to reject any link to the resumed direct talks. Reflecting on this, a Hebron resident said, “at first, I thought it was a miscalculation from Hamas. Why do you bother firing at a sinking ship? Wouldn’t it be better to let Abu Mazen slowly undermine his own legitimacy even further? Similarly, I thought: isn’t Hamas communicating that there is in fact a chance the peace talks will be successful? Otherwise, why go through the trouble of disrupting them? But I’m not sure. Because at the same time, Hamas managed to convey the message that they are still here. They are saying: ‘No one can bypass us in the long run. We’re part of the equation, even in the West Bank’”. Crisis Group interview, Hebron, September 2010.

<sup>230</sup> Crisis Group interview, Hamas official in exile, June 2009. A Gaza-based analyst said, “Hamas wants to ensure there is no agreement, since that’s not in their interest nor, as they see it, in the national interest. Hamas believes it will pay a price for any commitment Abu Mazen makes. If it provides for security cooperation, it will weaken Hamas. If Abbas succeeds, and someday there is reconciliation, Hamas will be asked to sign onto the agreement – it will become a ‘previous agreement’ like Oslo. At the same time, this was an opportunity to throw salt in the eyes of Abu Mazen, the Americans and Israel by showing that they can plan and carry out actions at precise and sensitive moments. It shows the failure of the PA security coordination with Israel”. Crisis Group interview, Gaza City, September 2010.

There is no doubt that the movement and its allies retain important residual capacities in the West Bank. Still, the challenges Hamas faces are legion and its ability to undertake coordinated, large-scale attacks highly questionable. Indeed, Palestinian but also Israeli security officials argue the recent attacks do not alter their basic assessment. According to a PSF official, “these attacks can have serious ramifications, and we know Hamas intends to keep on trying; we expect new attempts very soon. But our general evaluation has not changed: they are only capable of small-scale attacks here and there”.<sup>231</sup> Likewise, a former Israeli defence official said, “these attacks undoubtedly represent a failure for both the PSF and the IDF. But no one can contain terror fully, and the broad picture remains very positive”.<sup>232</sup>

Since June 2007, the PA not only has confiscated weapons and materiel, but has also dried up the movement’s sources of funding, which complicates the replenishing of supplies or even paying for legal representation for the thousands of Hamas affiliates who have passed through PA jails. Even more important, among some pro-Hamas constituencies at least, may be demoralisation. “The PA’s biggest success”, says a Jenin journalist with close Hamas ties, “has been disseminating the message that Hamas has abandoned resistance in Gaza – with its de facto ceasefire, controlling rockets, policing the border – while it asks those in the West Bank to sacrifice themselves”.<sup>233</sup> Most significant of all may be the disruption of West Bank leadership networks, which a Qassam fighter blamed for

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<sup>231</sup> Crisis Group interview, Ramallah, September 2010. In the wake of the shootings, PA forces launched wide operations against Hamas in the West Bank, arresting hundreds in one of the more intense crackdowns to date. On 5 September, five days after the attack, the Palestinian human rights organisation Al-Haq estimated that 550 Hamas-affiliated individuals had been arrested. Crisis Group interview, Sha‘awan Jabarin, Al-Haq director, September 2010.

<sup>232</sup> Crisis Group interview, Tel Aviv, September 2010.

<sup>233</sup> Crisis Group interview, August 2010. The movement’s credibility also has been hurt by repeated calls for “days of rage” that never materialised. One such day was declared on 9 October 2009, when Hamas urged revolt against the restrictions to Palestinian access to the Al-Aqsa Mosque in Jerusalem ([http://news.bbc.co.uk/2/hi/middle\\_east/8298417.stm](http://news.bbc.co.uk/2/hi/middle_east/8298417.stm)). Similar calls were made in mid-March 2010, after the rededication of a synagogue in the Jewish quarter in the Old City ([www.haaretz.com/print-edition/news/jerusalem-on-high-alert-after-hamas-announces-day-of-rage-1.264846](http://www.haaretz.com/print-edition/news/jerusalem-on-high-alert-after-hamas-announces-day-of-rage-1.264846)). On both occasions, only small clashes ensued. On 2 January 2009, during Operation Cast Lead, Hamas similarly called for a “day of rage” following the killing of a senior Hamas official ([www.spiegel.de/international/world/0,1518,599508-2,00.html](http://www.spiegel.de/international/world/0,1518,599508-2,00.html)). Demonstrations happened – in Ramallah, they were the largest of the war – but they included only a minimum of Hamas supporters, and not on a scale deemed politically successful. Crisis Group observation, Ramallah, January 2009.

the “lack of decision” to resume the movement’s resistance agenda.<sup>234</sup> Indeed, in interviews with Crisis Group, Hamas sympathisers and Qassam members acknowledged that confusion reigns among the movement’s West Bank leadership. Speaking before the most recent attacks on settlers, a Qassam member claimed:

We have the will to fight, but there has been no decision taken that we should do so. If a decision is taken, we can rebuild. They haven’t broken our will, and there is no fear. We fought Israel, and we can fight the PA. But it hasn’t been properly discussed. The inside leadership is paralyzed, so we are relying on the outside, but no decision has come. Neither leaders nor soldiers are taking decisions. Inside the prisons, Hamas fighters are very angry. They are saying, “why didn’t we act immediately in the West Bank [in June 2007] as we did in Gaza? Then, we had the potential for broad action. Now we don’t. We served up our heads on a plate for nothing. We’re sitting in jail while the PA is going it alone and coordinating with Israel without paying any price.”<sup>235</sup>

In effect, the leadership has been undermined by a crack-down that aims not only to repress Hamas’s armed activity but also to debilitate it as a political actor. An interior ministry official said:

Our struggle against Hamas is not merely against its militant elements. As the long-term intention of Hamas is to replace us, we try to curb their influence at all levels, including as a social movement. Civil society institutions, including charities, have been an important asset for Hamas, not only to disseminate its message, but also to gain popularity through the provision of services. This we try to counter. Equally, the mosques functioned as a pivotal platform for expounding the world view of Hamas. This we have effectively managed to stop. Safeguarding the [current] PA means marginalising Hamas.<sup>236</sup>

Since June 2007, the PSF has detained or arrested several thousand alleged Hamas members or sympathisers,<sup>237</sup> and several hundred are still incarcerated in PA detention centres at any given time.<sup>238</sup> The PA insists that only those suspected of criminal violations – usually related to weapons or finance – are pursued and that there is no such thing as a political prisoner in the West Bank.<sup>239</sup> But Hamas members, human rights organisations and what appears to be a majority of ordinary Palestinians contest this claim.<sup>240</sup> The vast majority of suspected Hamas sympathisers are arrested without a court order, and hundreds of civilians have been sentenced by military courts,<sup>241</sup> in violation of the Palestinian Basic Law.<sup>242</sup> Although the PSF generally has refrained from arresting Hamas members of the Palestinian Legislative Council (PLC) in deference to their parliamentary immunity, some have been detained briefly

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strations, and many movement members have been arrested. I have been arrested myself, and the PSF even opened fire at my car. During my arrest, PSF officers physically mistreated me and beat me with their rifle butts”. Crisis Group interview, Maher Al-Ja’abari, spokesperson for Hizb ut-Tahrir, Hebron, February 2010. In early August 2010, the PA released 23 movement members, allegedly among hundreds detained for marking the fall of the Caliphate, a commemoration banned in the West Bank. [www.maannews.net/eng/ViewDetails.aspx?ID=305169](http://www.maannews.net/eng/ViewDetails.aspx?ID=305169).

<sup>237</sup> According to the director of Al-Haq, a Palestinian human rights organisation, nobody is sure of the exact figure. His organisation estimates that since June 2007, 8,000 to 10,000 individuals affiliated with Hamas have been arrested in the West Bank. Crisis Group interview, Sha’awan Jabarin, August 2010.

<sup>238</sup> Crisis Group interviews, human rights organisation members, Ramallah, Nablus and Hebron, January-May 2010.

<sup>239</sup> Crisis Group interviews, PA security officials, Ramallah, Hebron and Nablus, January-July 2010.

<sup>240</sup> Crisis Group interview, Independent Commission for Human Rights, Ramallah, May 2010. A Qassam member, recently released from prison, commented that his interrogators were most interested in money, finances and logistics. But he added, “they were fishing. I’ve spent a lot of time in jail being asked about things I know nothing about. In fact I’ve admitted to things I haven’t done just to stop the interrogation. If they had solid information that incriminated me, they wouldn’t need to do it that way”. Crisis Group interview, August 2010.

<sup>241</sup> Crisis Group interview, Independent Commission for Human Rights official, Ramallah, April 2010.

<sup>242</sup> “Military Courts shall be established by special law. Such courts shall not have any jurisdiction beyond military affairs”. Palestinian Basic Law, Article 92, paragraph 2. “It is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order in accordance with the provisions of the law”, *ibid*, Article 11, paragraph 2. A PA security official justified the extensive use of military courts by referring to the “exceptional circumstances” after Hamas’s seizure of power in Gaza: “Some people have to be locked away quickly, and if these people were tried in civil courts, their cases potentially could have taken years”. Crisis Group interview, Ramallah, August 2010.

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<sup>234</sup> Crisis Group interview, Qassam fighter, August 2010.

<sup>235</sup> Crisis Group interview, August 2010.

<sup>236</sup> Crisis Group interview, PA security official, Ramallah, August 2010. Another official said, “We do not allow Hamas to mobilise in any way. The public display of anything relating to the movement is illegal”. Crisis Group interview, PA security official, Nablus, January 2010. The campaign has been predominantly directed towards Hamas, although the PSF has gone after other Islamist groups as well, notably Islamic Jihad’s political and military infrastructure. Crisis Group interview, journalist, Jenin, August 2010. The largely quietist Hizb ut-Tahrir [Liberation Party] also has been targeted. According to a movement spokesperson, the PA has systematically tried to curb its activities. “Through violence and intimidation, the PA has managed to thwart several Hizb ut-Tahrir seminars and demon-



and questioned.<sup>243</sup> More commonly, the PSF targets their family members and office staff, who do not enjoy such a privilege.<sup>244</sup>

According to Omar Abdel Razzaq, Hamas parliamentarian and former PA finance minister, the systematic pressure has undermined his movement's ability to operate as a political party:

With our professional staff being frequently detained or summoned for questioning, it is hard to manage the daily running of our offices, much less operate outside of them. Even our [Palestinian] visitors risk being questioned when they leave our premises. We are not allowed to arrange press conferences or hold demonstrations. In short, the PSF ensures that we cannot function as a normal political party in the West Bank.<sup>245</sup>

Another PLC member echoed the sentiment:

Ever since the establishment of the PA in 1994, the security forces have tried to contain and undermine Hamas, so in principle what's happening now is nothing new. Nevertheless, 2007 represents a paradigm shift. The clampdown has intensified, and the PSF today is out to destroy Hamas both militarily and politi-

cally and as a result, Hamas is non-functional as a political movement in the West Bank.<sup>246</sup>

The PA's efforts to marginalise Hamas in the West Bank in a variety of arenas – political, religious, charitable, educational – are virtually unprecedented. Until recently, the PA and Israel had focused mainly on armed Islamist resistance, largely neglecting the Islamists' social institutions and informal networks.<sup>247</sup> For the IDF, this changed in 2005, when an intelligence unit, Unit 504, initiated a comprehensive program to survey Islamist activism. When Hamas seized control of Gaza in June 2007, Israel passed along much of the data to the PA, which has further refined it to map out the networks and activities of thousands of West Bank Islamists.<sup>248</sup>

Since June 2007, numerous Hamas-affiliated organisations – including charities, media organisations and cultural centres – have been closed by the PA or forced to appoint Fatah or PA loyalists to their boards.<sup>249</sup> According to a source within the interior ministry, 187 organisations in the West Bank have been forcibly closed,<sup>250</sup> the vast majority for political reasons:

Our general procedure is to first warn an organisation. We explain which laws it has violated and give it 30 days to improve; if we do not see the necessary improvement within a month, we close it down. That having been said, the most common reason we close down organisations is simply because they have ties to Hamas. Sometimes a Hamas-affiliated organisation might also have financial mismanagement, but in es-

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<sup>243</sup> A Hamas PLC member claimed that after visiting the families of imprisoned Hamas members in Bethlehem in June 2009, five Hamas parliamentarians were detained briefly and questioned by the security services. Crisis Group interview, Mona Mansour, Nablus, June 2010. Other PLC members have told Crisis Group they were briefly detained and released within hours. Crisis Group interview, Ramallah, November 2009.

<sup>244</sup> For instance, during Friday prayers at Al-Ansar Mosque in Hebron on 29 January 2010, Muhammad Maher Bader, a Hamas legislator, gave an unauthorised sermon, before the arrival of the PA-appointed imam, strongly criticising both the PA's arbitrary arrests and Egypt's construction of an underground wall along its Gaza border. PSF officers at the mosque did not arrest Bader, but his son was arrested the next day. Crisis Group interview, Hamas PLC member, Hebron, January 2010. On 24 July 2010, General Intelligence arrested eleven relatives of PLC member Samira Halayka (Hebron). See the Palestinian Centre for Human Rights Bulletin, 26 July 2010. According to Mona Mansour (PLC member from Nablus), the PSF frequently harasses but has not arrested her: "The PSF constantly monitors me, both at home and at work. Sometimes they follow me and take pictures, as they do with my family members and office staff. The PSF has also searched my office, entered my house at night and seized my cell phone. Many of my colleagues [without immunity] have been arrested, interrogated and intimidated. PSF officers often are present outside our office, taking pictures of our visitors". Crisis Group interview, Nablus, June 2010.

<sup>245</sup> Crisis Group interview, Omar Abdel Razzaq, PLC member from Hamas, Ramallah, February 2010.

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<sup>246</sup> Crisis Group interview, Hamas member of the PLC, Ramallah, March 2010.

<sup>247</sup> Crisis Group interview, Israeli security analyst, Jerusalem, April 2010. Crisis Group spoke with former heads of charitable organisations deposed by the PA who contrasted their recent experiences with decades of operations during which the Israeli government imposed minimal restrictions. Crisis Group interviews, Nablus and Hebron, June 2008 and June 2009.

<sup>248</sup> Crisis Group interview, Israeli security analyst, Tel Aviv, April 2010.

<sup>249</sup> "Sometimes, in particular with regard to organisations providing the population with essential services – like the Islamic charities – we try to avoid closing it down. In such cases, we often give an ultimatum: either it has to change specific board members, or it will have to face closure". Crisis Group interview, West Bank governor, April 2010.

<sup>250</sup> According to a West Bank governor, "most organisations were closed on Palestinian initiative, while a few, mainly Islamic charities, were closed on Israeli request. On some occasions, the IDF threatened to come in and close down specific charities unless the PSF took action, either by closing it or by making specific changes to the board". Crisis Group interview, March 2010.

sence we close down organisations because they are Hamas.<sup>251</sup>

Two governorates, Nablus and Bethlehem, account for more than half the closures. In Hebron, traditionally a Hamas stronghold, only eight organisations were closed so as to avoid alienating the city's powerful clans,<sup>252</sup> but changes to board membership were widely imposed.<sup>253</sup> The campaign against Hamas-affiliated organisations is ongoing. A new wave against what the PA considers unlawful organisations is planned for the second half of 2010. In the governorate of Nablus alone, approximately 70 additional organisations are now being scrutinised, many of which are expected to be closed.<sup>254</sup>

The PSF likewise has carried out an unprecedented campaign against Hamas-affiliated civil servants. The core of this work is performed by a PA security unit called Institutional Security (*Amn al-mu'assasat*), which assesses the political profile of current and potential PA employees, as well as civil society organisations. The unit has two parallel offices, one within General Intelligence and another in Preventive Security, which both feed information into a central interior ministry office.<sup>255</sup> Based on this input, the

ministry issues or rejects a security clearance (in the form of a good conduct certification [*husn al-suluk*]), which is necessary for all positions within the PA bureaucracy and also is required of civil society organisation board members. Palestinians working for local media outfits must obtain a journalism card.<sup>256</sup> If Institutional Security detects links to Hamas or Islamic Jihad, or even general Islamist leanings, security clearance usually is denied.<sup>257</sup>

Scores of school teachers have been fired throughout the West Bank. The Independent Commission for Human Rights, the quasi-official PA human rights ombudsman, has received more than 400 complaints from teachers who claim to have been dismissed or refused employment due to their political orientation.<sup>258</sup> The real figure is assumed to be significantly higher, as not all affected teachers file formal complaints. A source in the PA interior ministry estimated that at least 1,000 teachers had been barred.<sup>259</sup>

The PA also has targeted the West Bank's more than 800 mosques, a traditional platform for the Islamist movement. A security official said, "First, many mosques were used by Hamas to spread its message, undermining the government in Ramallah. Secondly, much of Hamas's

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<sup>251</sup> Crisis Group interview, PA security official, Jenin, May 2010.

<sup>252</sup> According to a PA security official in Hebron, the PA has worked hard not to alienate local clans, which are all politically divided. "If we had decided to close down all Hamas-affiliated organisations, we would have faced massive opposition, not just from the many beneficiaries of the local charities but also from the clans. Our solution was to gradually rid these organisations of their Hamas-dominated boards, but allow them to continue to operate". Crisis Group interview, Hebron, May 2010.

<sup>253</sup> This was the case, for instance, with Hebron's Muslim Youth Society, one of the West Bank's largest charitable institutions. It was first temporarily closed by the IDF in early 2008, after which the PSF began to interfere, regularly and consistently, by confiscating files and computers and detaining board members. In May 2009, according to a former board member, General Intelligence summoned board members and informed them that they had two options. They could either "voluntarily close the organisation" or "change some members of the board". They chose the latter, "in order to safeguard the services we provide for the needy". Crisis Group interview, Hebron, May 2009. The IDF arrested the former board member a couple of weeks after the interview, and he remains in administrative detention. As of May 2010, the entire board had been replaced by PA loyalists.

<sup>254</sup> "Over the last few months, Hamas has aimed at revitalising its influence over the civil society in the West Bank. Some of the organisations in question have received money from Hamas abroad. However, the PSF is determined to block all Hamas's attempts at regaining their position in the West Bank". Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>255</sup> In the areas beyond the security forces' reach – particularly Areas B and C, where Institutional Security cannot work as effectively – the PSF relies on an extensive network of informants to report on political affiliations of friends, colleagues or neighbours. Since 2007, the PSF has worked hard to recruit in-

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formants in these areas. Crisis Group interview, PSF officer, Qalqiliya, April 2010. A Palestinian woman in an Area C village near the city of Qalqiliya explained the trouble PA efforts have caused her: "Two plain-clothes PSF officers visited me repeatedly, trying to convince me to become an informant. They wanted me to identify sympathisers of Hamas and Islamic Jihad in the village. I refused to cooperate. Since then, my family and I have been systematically harassed by the PSF". Crisis Group interview, April 2010.

<sup>256</sup> Since 2007, dozens of applications from journalists with Islamist sympathies have been turned down. International journalists or Palestinian journalists working for foreign media do not require security clearance. Crisis Group interview, Palestinian journalist, Jerusalem, February 2010.

<sup>257</sup> "If we detect clear affiliations with Islamic Jihad or Hamas, we usually do not give a security clearance. In fact, after June 2007, we have been particularly strict with regard to Hamas-affiliated applicants". Crisis Group interview, interior ministry official, Ramallah, June 2010.

<sup>258</sup> Since June 2007, the Independent Commission for Human Rights has received 414 such complaints. 54 of the gravest cases – in which the complainant had been employed as a teacher for at least two years prior to dismissal – were brought to court by the Commission. In mid-March 2010, six of these were dismissed by the Palestinian High Court of Justice, which cited the courts' lack of jurisdiction. None of the dismissed teachers appears to have been re-appointed. Crisis Group interviews, Independent Commission for Human Rights, Ramallah, April-May 2010.

<sup>259</sup> Crisis Group interview, interior ministry official, May 2010. This is out of a total of 21,469 PA teachers at governmental schools in the West Bank. Crisis Group interview, education ministry official, Ramallah, September 2010.

other activities were organised from the mosques, and, occasionally, Hamas even stored weapons there”.<sup>260</sup> Since June 2007, the PA’s religious affairs [*al-awqaf*] ministry has asserted direct control over the pulpits, all preachers must be licensed,<sup>261</sup> and those running religious or social programs through mosques must be PA employees.<sup>262</sup> PSF officers in plainclothes and a network of informants monitor mosques during Friday prayers.<sup>263</sup> The ministry regulates content of Friday sermons<sup>264</sup> and occasionally dictates them word-for-word.<sup>265</sup> Imams who refuse to comply have been threatened with dismissal, and many have lost their jobs or been arrested.<sup>266</sup> According to a PSF official, at least 200 imams have been fired since 2007,

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<sup>260</sup> Crisis Group interview, Ramallah, July 2010. A former PA security head added that the battle for control over the mosques is far from over, although the PA has the upper hand: “Despite our efforts, Hamas is still active on the grass-root level. After Friday prayers, Hamas affiliates are present outside many mosques in the West Bank, collecting money for their cause”. Crisis Group interview, Ramallah, February 2010.

<sup>261</sup> Crisis Group interview, ministry of religious affairs official, Ramallah, May 2010.

<sup>262</sup> *Al-Hayat*, 18 August 2010. A PA interior ministry official explained: “Education in mosques was used to spread the message of Hamas”. Crisis Group interview, Ramallah, June 2010.

<sup>263</sup> Crisis Group interview, PA security official, Hebron, May 2010.

<sup>264</sup> Every week, the religious affairs ministry decides which topics will be included in the Friday sermon. Its directions are distributed to all mosques in the West Bank, usually on Thursday, through its local offices in each governorate. Crisis Group interview, ministry of religious affairs official, Ramallah, May 2010.

<sup>265</sup> This was the case, for instance, during the public controversy involving the prominent Muslim scholar Shaykh Yusuf al-Qaradawi and President Abbas in January 2010. On 7 January, during a sermon at the Omar Ibn Al-Khattab Mosque in Doha, the scholar implicitly accused Abbas of having encouraged Israel to attack Gaza the previous year. He stated that “if it is proven that he incited Israel to strike Gaza, he deserves not merely to be executed, but to be stoned to death”. [www.youtube.com/watch?v=zAXOswWt\\_n0](http://www.youtube.com/watch?v=zAXOswWt_n0). On Friday, 15 January, the PA religious affairs ministry instructed all 800 mosques in the West Bank to deliver a unified condemnation of Qaradawi’s statements; virtually identical sermons were pronounced throughout the West Bank. In some mosques, however, the sermon spurred strong negative reactions: In Hebron’s Ibrahimi Mosque, angry crowds forced the PA-appointed imam to step down from the pulpit. Crisis Group interviews, Hebron residents, January 2010.

<sup>266</sup> Although imams have been state employees since the PA’s establishment, central control was relatively weak until 2007. “Hamas’s takeover of Gaza encouraged stricter control, as Hamas has not only used the pulpit to spread its propaganda, but also used the mosques to store weapons. Over the last three years, the PA has taken full control of the West Bank’s mosques”. Crisis Group interview, religious affairs ministry official, Ramallah, May 2010.

most of them due to affiliation with Hamas or “inflammatory sermons”.<sup>267</sup> A Hamas PLC member said:

Ramallah is coercing the mosques into subservience and firing dissidents. President Abbas even brags about this in the press, assuring the world that he has managed to completely stop what he calls “inflammatory speech”.<sup>268</sup>

The debate flared with the beginning of Ramadan in August 2010, as the PA announced new restrictions affecting mosques.<sup>269</sup> Commenting on his government’s move, Religious Affairs Minister Ibrahim Habash said, “the message of the mosque is the oneness of God and the unity of the people, so it’s not permissible for one mosque to be controlled by such-and-such a group and another mosque by another group. Using a mosque for factional purposes contradicts the message of Islam”.<sup>270</sup>

Nor have educational institutions been spared. The PSF has intervened in West Bank university elections, which traditionally have been hotly contested, fairly conducted and keenly observed as national bellwethers.<sup>271</sup> Islamists

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<sup>267</sup> Crisis Group interview, Ramallah, April 2010. A PA security official added: “Although all mosques are formally part of the PA, many imams used the Friday sermons to launch vicious attacks against their employer – the state – and sometimes defamed specific PA officials. Occasionally, imams called for radical solutions, thus undermining the PA. If we are to build a state, we obviously need to ensure that our civil servants all pull in the same directions. This is not an extreme measure. We have merely started to do what most other countries in the region are doing”. Crisis Group interview, Ramallah, August 2010.

<sup>268</sup> Crisis Group interview, Hamas PLC member, Ramallah, February 2010.

<sup>269</sup> These included forbidding recitation of the Quran over mosque loudspeakers before the call to prayer and preventing Hamas leaders – such as Shaykh Hamid Bitawi – from preaching in mosques. *Al-Hayat*, 18 August 2010; Crisis Group interview, Hamas leader, Gaza City, 18 August 2010. Religious Affairs Minister Ibrahim Habash justified the decisions through a combination of religious and administrative arguments: that the Quran should be recited only when people pay attention, which they do not do when it comes from loudspeakers in the mosques, Associated Press, 15 August 2010; and that Bitawi is a PLC member, not an employee of the religious affairs religious ministry, *Al-Hayat*, 19 August 2010. Ismail Haniya, prime minister of the Gaza government, called these moves “the beginning of a war on religion and Islam”. *Al-Hayat*, 18 August 2010.

<sup>270</sup> *Al-Hayat*, 18 August 2010.

<sup>271</sup> “Palestine used to have a strong democratic tradition, at least compared to other Arab countries. One expression of this was the democratic culture at the universities, with free and fair student elections. Until 2007, neither Israel nor the PA meddled with these elections. The recent interference by the PSF might have long-term ramifications, as it undermines the very culture

have been barred from campaigning, and scores of Hamas candidates and sympathisers have been detained or arrested. In March 2010, in the run-up to student council elections at Bir Zeit University, the PSF arrested some 70 students, including every Islamic Bloc member of the 2009 student council, as well as every member it had nominated for 2010.<sup>272</sup> The Islamists boycotted the elections, as they eventually did at all other universities in the West Bank.<sup>273</sup>

The measures have hit their mark. Islamists feel they have no place in the PA's state building project. A Hamas-affiliated student activist said:

I have studied law for four years, and I'm top of my class. But I will not get a job within the PA bureaucracy or any institution the PA controls, since I will not get security clearance. I have no place in the society that is being built from Ramallah.<sup>274</sup>

## B. HUMAN RIGHTS ABUSES

In its struggle against Hamas, the PSF at times has violated human rights and frequently circumvented the Basic Law, a fact which has not been lost on the West Bank population. Two kinds of abuse stand out in particular. First, the arrest campaigns are largely extra-judicial, with scores of supposed Hamas-affiliates detained without a court order. Secondly, human rights organisations have documented widespread torture and ill treatment at PA detention centres. From June 2007 to April 2010, the Independent Commission for Human Rights [hereafter Independent Commission] recorded some 580 such cases, carried out by various branches of the security forces, which have resulted in at least eight deaths.<sup>275</sup>

These abuses generated a wave of criticism from Palestinian human rights organisations and Western donors that

came to a head in mid-2009. Stung by the charges,<sup>276</sup> the interior ministry in August and September 2009 spearheaded a drive for new regulations banning torture.<sup>277</sup> The security services, although inclined to downplay the accusations,<sup>278</sup> reluctantly signed on; they also have beefed up their formal internal oversight mechanisms, and the civil police established new internal oversight mechanisms, including a special unit for human rights issues.<sup>279</sup> Pressure from the donor community also played an important part.<sup>280</sup> Western aid officials claim to have passed "unusu-

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<sup>276</sup> "The increasing number of torture cases reported both by the media and the Independent Commission was a huge issue on the Palestinian street. It undermined the PA's legitimacy. When criticism peaked in 2009, the PA leadership had to react in one way or the other. We were squeezed from both sides, by the wider Palestinian public and from parts of the donor community". Crisis Group interview, interior ministry official, Ramallah, June 2010. According to the director of a civil society organisation in Hebron, "the issue of torture in PSF detention centres is ... systematically undermining the PA's legitimacy. People talk about it everywhere – not in public, but in small, private groups. People from all political denominations are worried, including Fatah affiliates". Crisis Group interview, August 2010. Others echoed the assessment. Crisis Group interview, civil society activist, Bethlehem, August 2010.

<sup>277</sup> The interior ministry's decision No. 149 (20 August 2009), underlined the importance of the rule of law and universal human rights, holding that "no prisoner should be subjected to physical punishment", and "PSF officers are forbidden to take part in any kind of torture". The ministry's decision No. 172, (17 September 2009), demanded specific human rights-related improvements at Junayd Prison in Nablus, following a series of reported torture cases. Decision No. 178 (24 September 2009) called for the establishment of a three-member internal committee to investigate PSF procedures for arrest and interrogation. Crisis Group interview, PA interior ministry official, Ramallah, May 2010.

<sup>278</sup> Senior PA security officials told Crisis Group that some reports by the PA watchdog led to internal investigations but implied that the organisation overstates the problems. "Some torture allegations are unsubstantiated. Other claims have nothing to do with torture at all, like one report criticising the PSF for not varying a prisoner's food and serving him only apples". Crisis Group interview, senior PA intelligence official, June 2010.

<sup>279</sup> As of August 2010, the Independent Commission for Human Rights had yet to register any noteworthy effect of the special human rights unit, but added that it was too early to draw conclusions. Crisis Group interview, Independent Commission official, August 2010. The PSF also strengthened its public relations efforts. When in April 2010 the Independent Commission released its annual report, charging the PSF with numerous human rights violations, police distributed leaflets stressing their commitment to human rights. Crisis Group observation, Ramallah, April 2010.

<sup>280</sup> A PA official assessed that the pressure from donors and Palestinian civil society organisations had been of more or less equal importance. Crisis Group interview, August 2010. The director of a civil society organisation added: "It is difficult to separate the two forces of influence. Many Palestinian organi-

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of democracy in Palestine". Crisis Group interview, Palestinian academic and human rights activist, Ramallah, May 2010.

<sup>272</sup> Crisis Group interview, Hamas-affiliated student, Bir Zeit University, April 2010.

<sup>273</sup> The Islamist Bloc at Hebron University claims to have suffered from unfair competition since 2007. Hamas was the dominant force at the university for almost two decades, but 2008 saw a drastic change. After scores of Islamist candidates and sympathisers were held at PSF checkpoints on election-day, Fatah defeated Hamas by the narrowest of margins. Crisis Group interview, Palestinian political analyst, April 2010.

<sup>274</sup> Crisis Group interview, Bethlehem, April 2010.

<sup>275</sup> Since this figure is based on formal complaints received by the commission, the actual number likely is higher. Crisis Group interview, Independent Commission for Human Rights, May 2010.

ally strong-worded” messages calling for the immediate cessation of torture,<sup>281</sup> and they occasionally insert language banning the practice into aid agreements.<sup>282</sup>

The torture ban decreased the number of reported cases by about 40 per cent within three months.<sup>283</sup> The development was widely praised by Western diplomats and aid officials;<sup>284</sup> as a European aid official put it, “it was incredible how fast the interior ministry managed to take action and force through substantial improvements”.<sup>285</sup> Hamas officials themselves acknowledged significantly improved treatment of their prisoners.<sup>286</sup>

Human rights organisations offered a mixed appraisal. They welcomed the drop in torture cases, even as they pointed to deteriorating human rights performance in other areas: during the same three-month period, extrajudicial arrests increased, and the press faced heightened pressure.<sup>287</sup> Since the regulations lacked teeth<sup>288</sup> and failed to address the “culture of impunity” within the security

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sations are funded by Western donors and keep them constantly updated about the human rights situation. When some countries approached Fayyad, they would largely base their complaints on information gathered from the Palestinian organisations”. Crisis Group interview, August 2010.

<sup>281</sup> Crisis Group interview, European aid official, January 2010. “This issue was very important to us. We made it absolutely clear to the Palestinian interior ministry that lack of improvement on this issue might have consequences for our bilateral financial support in the long run”. Ibid.

<sup>282</sup> When the EU committed to rebuild the PSF headquarters in several West Bank cities, a memorandum of understanding was drafted banning torture in the facilities. The EU also insisted that the Independent Commission enjoy free access to the facilities, despite the PA’s initial refusal. Crisis Group interviews, Western aid officials and European diplomat, Ramallah and Jerusalem, January-June 2010.

<sup>283</sup> The Independent Commission reported 47 recorded cases of torture and physical mistreatment from July to September 2009; from October to December 2009, it reported 28 such cases.

<sup>284</sup> Crisis Group interviews, Western diplomats, Ramallah and Jerusalem, December 2009-April 2010.

<sup>285</sup> Crisis Group interview, European aid official, Ramallah, March 2010.

<sup>286</sup> Crisis Group interviews, Ramallah, Nablus and Hebron, January-March 2010. “From November 2009, the worst forms of torture completely ended in West Bank prisons. That said, after a few months, conditions began to deteriorate once more. As of August 2010, the situation is better than in mid-2009, but worse than the last two months of 2009”. Crisis Group interview, Omar Abdel Razaq, Hamas PLC member, August 2010.

<sup>287</sup> Crisis Group interviews, Independent Commission staff members, Ramallah and Hebron, January-March 2010.

<sup>288</sup> “It is not enough to simply issue some new regulations on torture without actually trying those who have been involved in torture and physical misbehaviour of detainees”. Crisis Group interview, human rights worker, Ramallah, April 2010.

services,<sup>289</sup> activists questioned the sustainability of the improvement.<sup>290</sup> Their scepticism appeared to be vindicated. During the first months of 2010, the use of torture reportedly increased once more.<sup>291</sup>

Civil society groups feel they are fighting a losing battle as they seek to fill the gap left by the PA’s insufficient oversight mechanisms.<sup>292</sup> Civilian oversight mechanisms are weak or paralysed; the development of the security apparatus has far outstripped that of the judiciary, which remains frail despite nascent reform;<sup>293</sup> and the legislative

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<sup>289</sup> Crisis Group interview, Sha’awan Jabarin, director, Palestinian human rights organisation Al-Haq, Ramallah, January 2010.

<sup>290</sup> According to an interior ministry official, “close to 50” people in the PSF have been fired, demoted or subjected to internal punitive measures for involvement in torture. Crisis Group interview, Ramallah, June 2010. Crisis Group could not independently verify the information or ascertain the nature of the punishments. Sha’awan Jabarin, the head of Al-Haq, expressed scepticism: “Everyone is covering each other’s tails. There may have been some internal disciplinary reactions, and a few officers have been fired or replaced, but they have not released any information about what has been done”. Crisis Group interview, January 2010. Crisis Group spoke with PSF officers who testified to continuing violations and, concerned about wrongful practices in their midst, shared the names of well-known abusers, including senior officers, who have not been disciplined. When a high-ranking intelligence officer was accused of involvement in torture in the southern West Bank in June 2009, he allegedly was transferred to a city in the north with no reduction of rank or responsibility. Crisis Group interviews, PSF officers, Nablus and Ramallah, April 2010.

<sup>291</sup> The number of monthly recorded cases, which had fallen to five, rose during the first six months of 2010 to fifteen, roughly equal to the figures for the first nine months of 2009 (ie, before the new regulations on torture were issued). Crisis Group interview, Independent Commission staff member, Hebron, May 2010.

<sup>292</sup> The director of a civil society organisation described his disadvantage: “The security forces don’t respect civil society, and perceive themselves as beyond the law. They demand ‘transparency’ from us about everything we do, but when we ask for transparency from them, we get the cold shoulder. We have no recourse”. Crisis Group interview, Hebron, March 2010.

<sup>293</sup> By all accounts, reform of the justice sector has lagged. Crisis Group interviews, aid officials, Ramallah and Jerusalem, January-June 2010. The judiciary seems either incapable or unwilling to challenge the security establishment. When courts demand the immediate release of a prisoner, security services frequently ignore them or delay implementation, in particular with regard to suspected Islamists, or, in the event of compliance, immediately rearrest the prisoner on new charges. Crisis Group interview, Sha’awan Jabarin, director of Al-Haq, January 2010. Particularly galling to the human rights community was the Palestinian High Court of Justice’s dismissal on the grounds that it lacked jurisdiction of the cases, described above, of six teachers who had been denied security clearances, then fired. More fundamentally, human rights advocates view judicial non-intervention in the dismissal of civil servants for secu-

council, whose term ended on 25 January 2010, is basically impotent.<sup>294</sup>

Donors also are part of the problem.<sup>295</sup> The PA's extra-judicial campaign against Hamas has been carried out with the tacit approval of its Western financial backers, which somewhat undermines their demands for accountability and adherence to the rule of law.<sup>296</sup> An aid official commented:

We make conflicting demands of Palestinian officials, then we leave it up to them reconcile the competing priorities. This encourages the PA to make undemocratic decisions. On one hand, we demand democratic processes, transparency and accountability and constantly stress the importance of human rights. But on the other hand, we have for the most part been silent about the PA's extra-judicial campaign against Hamas. There is a huge contradiction in our message.<sup>297</sup>

### C. THE SECURITY SERVICES AND FATAH

One of the primary aims of the security sector reform has been to defactionalise the PSF in order to create an apolitical, national force.<sup>298</sup> The goal never was to include members of all political factions; on the contrary, Islamists have been systematically excluded.<sup>299</sup> Rather, it was to detach the security services from Fatah's long control<sup>300</sup> and strengthen PA rule over its executive branches. In

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rity reasons as a dangerous precedent. Crisis Group interview, director, Independent Commission, Ramallah, April 2010.

<sup>294</sup> Within the PLC, both the Interior and Security Committee and the Human Rights Committee were assigned to oversee PA security sector activities. The committees have not functioned since mid-2007. Crisis Group interview, PLC member, August 2010.

<sup>295</sup> "From a rule-of-law perspective, this is hugely problematic. Nevertheless, we do not want to push the Palestinians too hard on judicial reform and human rights, since it could affect security coordination with Israel". Crisis Group interview, European diplomat, Jerusalem, April 2010.

<sup>296</sup> A European security official offered a graphic illustration: "When you stick your hands into a bucket of mud, you better be prepared to deal with whatever you pull out". Crisis Group interview, Jerusalem, March 2008.

<sup>297</sup> Crisis Group interview, Western aid official, Jerusalem, April 2010.

<sup>298</sup> Crisis Group interviews, PA interior ministry officials and Western security officials, Ramallah and Jerusalem, January-August 2010.

<sup>299</sup> Applicants for the security services are subject to a comprehensive vetting process. Those with suspected Islamist leanings do not receive security clearance.

<sup>300</sup> Among currently functioning agencies, General Intelligence and Preventive Security have been tied particularly closely to the movement, while at the other end of the spectrum, factional control over the civil police has been weakest.

this respect, Interior Minister Said Abu Ali claimed that the reforms are having the desired effect:

Although the values of Fatah are still very much present within the corps, officers now primarily relate to the government, not to Fatah. The heads of the security services are members of the Fatah Revolutionary Council, but they respect the authority of and answer to the government regarding all professional matters.<sup>301</sup>

Wresting control of the sector from Fatah was never understood to entail mass dismissals – even if a few high-ranking Fatah-affiliated officers have been replaced – since, in the words of a former PSF head, "if you remove the Fatah from the PSF, there won't be any more PSF".<sup>302</sup> The strategy, rather, has been to leave most of the personnel in place while changing the structure of the sector and "professionalising" the relationship between the security branches and the PA.<sup>303</sup> On paper, the core of this exercise is – as described above – strengthening the interior ministry and augmenting cabinet control with the goal of creating a bureaucracy that stands apart from and is able to control the political milieu in which it was formed.

In practice, the process has worked somewhat differently. The interior ministry has been strengthened to a certain extent, but, as seen, the lead actor in reining in Fatah has been the prime minister himself, who has nurtured his own connections with the security chiefs. Today, he constitutes a formidable centre of gravity in and of himself, through a strategic combination of cooptation, deference and the occasional strong-arm tactic when conditions

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<sup>301</sup> Crisis Group interview, Said Abu Ali, Ramallah, April 2010. The Fatah Revolutionary Council is the movement's monitoring body. It also holds policymaking authority in certain realms, is charged with following up the actions of the Central Committee – the movement's chief executive organ – and has authority to fire and replace its members. It had 105 members in August 2010. See Crisis Group Middle East Report N°91, *Palestine: Salvaging Fatah*, 12 November 2009.

<sup>302</sup> Crisis Group interview, PA interior ministry official, Ramallah, July 2010. In the absence of exact figures, a PA security official estimated that around 80 per cent of PSF officers are affiliated to Fatah, either as members or sympathisers. Crisis Group interview, PA security official, Nablus, April 2010. Fatah is dominant among new recruits and even more so further up the hierarchy. The heads of the six main security branches – Diab al-Ali (National Security Forces), Hazem Atallah (Civil Police), Ziad Hab Al-Rih (Preventive Security), Majid Faraj (General Intelligence), Nidal Abu Dukhan (Military Intelligence) and Munir Zu'bi (Presidential Guards) are all members of Fatah's Revolutionary Council. Minister Abu Ali is a member of the movement, as are several who have filled key positions within the reinvigorated interior ministry.

<sup>303</sup> Crisis Group interview, PA interior ministry official, Ramallah, May 2010.

permit.<sup>304</sup> The result is that – according to most PA officials and Fatah politicians – the PA stands firmly at the helm of the Palestinian security sector, having reduced Fatah’s role.<sup>305</sup> An Arab intelligence official said:

Fatah carries no real weight within the Palestinian security forces. The PA is the main actor. Salam Fayyad has the money and the control, and [Interior Minister] Said Abu Ali is fully in line with the prime minister. Fatah will always remain present in the background due to its history, but no Fatah leaders exercise substantial influence today. Fayyad has the security heads on the payroll and has secured their loyalty.<sup>306</sup>

With money and international cachet, Fayyad today sits at the centre of the state building project and so, it follows, of the effort to restructure the security forces.<sup>307</sup>

But the prime minister needs to tread carefully. He might be able to adjust the relationship between Fatah and the PA, but pushing too far too fast could provoke a backlash:

Fayyad knows his limitations. If he were to recruit security heads from outside Fatah, or bar members of the Fatah Revolutionary Council from holding senior positions in the PSF, the opposition would be more than he could handle.<sup>308</sup>

Another PA security official made a similar point: that the security services follow Fayyad’s orders, “but only as long as they don’t challenge Fatah’s core interests”<sup>309</sup> and that Fayyad – like the interior ministry itself – must seek the approval of “key figures” within Fatah to arrest or detain certain Fatah militants.<sup>310</sup> Indeed, when push has come to shove, Fayyad has retreated. For instance, few doubt the civilian leadership’s desire to put a decisive end to

torture,<sup>311</sup> but imposing sufficient penalties has been a bridge too far:

He can push through regulations but not ensure their implementation. For instance, if those responsible for torture were to be tried in court, it would mean going after mid- and high-ranking officers with strong ties to Fatah. For Fayyad even to suggest this would be a declaration of war.<sup>312</sup>

The political momentum, however, seems to be running Fayyad’s way for the time being. The security sector has grown more unified, but Fatah has not. Its sixth General Conference notwithstanding,<sup>313</sup> the movement remains an amalgam of power centres, meaning that no single Fatah leader could wrest control back from the PA. Indeed, without any clear agenda, even if some within the movement were to find themselves at odds with Fayyad, others likely would continue to see their interests aligned with his.

By all accounts, the civilian leadership still has much work to do, but as Fayyad himself is wont to say in a variety of contexts, the process is a “dynamic” one.<sup>314</sup> Shortly after the prime minister assumed office in 2007, a senior PA official described the amnesty program for wanted militants as an exercise in “buying time”: that is, it aimed to convince militants to restrain themselves voluntarily, while the PA created the conditions of normalcy – for militants themselves as well as Palestinian society more broadly – that would prevent a return to armed activity. Fayyad’s security agenda writ large could be described in much the same way. In the words of a senior PA official: “Cooptation is necessary when you are weak, but as you build the structure, you gain strength. Once you start to get people on your side, you don’t need to cater to others so much”.<sup>315</sup>

## D. HEARTS AND MINDS

In the time since he assumed the prime ministership and began implementing more thorough security reform, Fayyad and his government have earned considerable credit, from foreigners but also Palestinians, for restoring order.

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<sup>304</sup> Crisis Group interviews, senior PA officials, Ramallah, June 2008 and December 2009.

<sup>305</sup> Crisis Group interviews, PA and Fatah officials, April-June 2010.

<sup>306</sup> Crisis Group interview, March 2010.

<sup>307</sup> “There is no doubt that the cabinet leads the security sector. Fayyad controls the money and has bought the loyalty of all the security heads”. Crisis Group interview, PA security official, Nablus, May 2010.

<sup>308</sup> Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>309</sup> Crisis Group interview, Ramallah, June 2010.

<sup>310</sup> Crisis Group interviews, Ramallah, Nablus and Hebron, May-July 2010. Certain former security chiefs still command support based on extensive patronage networks. These are sometimes activated to mediate conflicts or deal with crime through means other than official channels. Crisis Group interview, PA security official, Ramallah, July 2010.

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<sup>311</sup> “I’m convinced that both Fayyad and [Interior Minister] Abu Ali genuinely would like to see an end to torture and mistreatment. I don’t think it’s a question of will, but rather of ability”. Crisis Group interview, Randa Seniora, director, the Independent Commission, Ramallah, July 2010.

<sup>312</sup> Crisis Group interview, PA security official, Ramallah, July 2010.

<sup>313</sup> See Crisis Group Report, *Palestine: Salvaging Fatah*, op. cit.

<sup>314</sup> Palestine Note, 29 July 2010, <http://palestinenote.com/cs/blogs/topnews/archive/2010/07/29/fayyad-s-faith-exclusive-interview-with-pm-salam-fayyad.aspx>.

<sup>315</sup> Crisis Group interview, Ramallah, March 2010.

And yet, interviews across the West Bank reveal a public with deeply ambivalent views about the security services.<sup>316</sup> In the world of Palestinian politics, deeply affected by a geographic split and labouring under Israeli occupation, implementing a security agenda – any security agenda – inevitably carries significant political liabilities.

The political campaign against Hamas appears to have cost the PA, even among those parts of the population that have no sympathy with the movement's agenda or with Islamism more generally. In part, this is because of the disdain for pluralism and democratic norms exhibited, though it also stems from the fact that the secular opposition has been caught up in the PA's policing of dissent as well – most manifestly and recently in the 25 August 2010 disruption of a conference criticising Abbas's decision to join direct talks.<sup>317</sup>

The heavy-handed policing of political opposition has created, in the words of a human rights advocate, a gathering "culture of fear",<sup>318</sup> as a wide variety of critics today are reluctant to express dissident opinions in public.<sup>319</sup> A

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<sup>316</sup> There is a lack of good quantitative data on public perceptions of the security sector. A survey of attitudes toward the PSF instituted by that body and the PA is expected to be finalised soon by the Palestinian Central Bureau of Statistics (PCBS), which conducted a similar survey in 2009 whose results were not released. Crisis Group interview, PCBS official, Ramallah, May 2010.

<sup>317</sup> Representatives of civil society organisations, political independents and PLO groups – including Fatah and leftist factions – had planned a conference opposing the direct talks with Israel. When participants arrived, they found all seats occupied by General Intelligence personnel, who disrupted the proceedings as organisers attempted to speak. When, in frustration, the conveners decided to change the venue and left the building, the civil police dispersed what they claimed was an illegal demonstration. Crisis Group interviews, conference participants and Sha'awan Jabarin, Al-Haq director, Ramallah, August 2010. Fayyad and the security services subsequently apologised, but the damage had been done. A civil society leader called the incident a "dangerous precedent and potential turning point"; although the PA previously had prevented public demonstrations, this marked the first time – at least since the late 1990s – that it interfered with a private, indoors gathering of non-Islamist groups. Crisis Group interview, Ramallah, August 2010. There are other examples. According to Mustafa Barghouti, leader of the Palestinian National Initiative (Al-Mubadara), some 40 party officials were interrogated by General Intelligence and Preventive Security in the run-up to West Bank local elections (scheduled for mid-July 2010 but subsequently cancelled). A few were arrested. Crisis Group telephone interview, August 2010.

<sup>318</sup> Crisis Group interview, Palestinian political analyst, Ramallah, January 2010.

<sup>319</sup> When conducting interviews in public places, Crisis Group staff occasionally are warned to speak softly for fear of informants. The foreign press is largely immune to such pressures, but not the local media. A Palestinian journalist who is no

secular Ramallah resident said, "few respect the Palestinian security forces, but we do fear them".<sup>320</sup> Even if West Bankers were prepared to overlook certain abuses – particularly those directed at criminals as the West Bank was cleaned up or at Hamas during the heated days of June 2007 – that moment seems to have passed. No small number of observers, both Palestinian and foreign, are questioning the nature of the society being built in the West Bank.<sup>321</sup>

Many of these kinds of reservations certainly can be heard elsewhere in the region, often with far more brutal behaviour about which to complain. There is nothing uncommon about accusations of police brutality, arrogance and double standards, nor is it unusual for local interests which lose out to an expanding central authority to harbour resentment. But in the West Bank, the continuing Israeli occupation – and the lack of a single, legitimate and credible Palestinian leadership to decide and implement national strategy – complicates the equation. In this environment, security coordination with Israel has come to be widely disdained, even if its necessity is recognised. The security forces themselves are simultaneously pitied<sup>322</sup> and resented, while security measures against Hamas are

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Islamist and in many ways identifies with the PA's agenda described the wariness that grips the Palestinian press: "I think many local journalists exert some kind of self-censorship, as repeated criticism of the regime might jeopardise their careers". Crisis Group interview, Jenin, March 2010. Some journalists also have been detained. According to a Hamas-affiliated journalist from Qalqiliya, officers from the Preventive Security tortured him in a PA detention centre in 2009, accusing him of disseminating false information and Hamas propaganda through his articles. Crisis Group interview, Qalqiliya, July 2010.

<sup>320</sup> Crisis Group interview, Ramallah, August 2010. Asked to comment, a Hebron resident said, "I fear what the PSF is doing to our society. The security forces contribute directly to the fragmentation of the Palestinian social fabric and undermine democracy – just look at how they are interfering in student elections. They generally behave like they're beyond the law. In the last three years, we have regressed as a society. This isn't progress". Crisis Group interview, Hebron, August 2010.

<sup>321</sup> In the words of a leftist director of a Jenin civil society organisation, "there is a widening gap between the PA and Palestinian society writ large, due in no small part to the behaviour of security forces. The PSF's lack of respect for civil society organisations has caused significant anger, not just among those with Islamist leanings, but also among the secular population". Crisis Group interview, Jenin, March 2010. See also Nathan Brown, "Are Palestinians Building a State?", Carnegie Endowment for International Peace, 1 July 2010.

<sup>322</sup> A Bethlehem resident said she "pitied the security forces more than anything else – they have to jump when the Israelis say 'jump'". Crisis Group interview, Bethlehem, May 2010.



contrasted with cooperation with the occupier and lack of protection against settler violence.<sup>323</sup>

Anger about security cooperation peaked in late December 2009, after the IDF killed three militants during a nighttime incursion into Nablus using information allegedly provided by the PSF.<sup>324</sup> The funeral turned into a massive demonstration, as more than 10,000 marchers demanded an end to the security cooperation.<sup>325</sup> Fatah leaders publicly called for it to be downgraded,<sup>326</sup> and Abbas himself felt compelled to threaten a re-evaluation, though few expected it to materialise.<sup>327</sup> A PA security official in Nablus worried: "I'm not sure how many more blows like this we can take".<sup>328</sup> In part because of the hostility they felt brewing, security forces, along with Fatah and PA of-

ficials, joined in the funeral even though many of the slogans were targeted at them. An official said, "we had to show our solidarity with the people. If we hadn't, and we had stood apart, there would have been areas of Nablus I would have been afraid to enter the next morning".<sup>329</sup>

A Palestinian analyst gave voice to a common sentiment:

The PSF is looking more and more like the village leagues,<sup>330</sup> doing the Israelis' dirty work. The PSF might be getting stronger, but when we look at the PSF, all we see is how weak we have become as a people.<sup>331</sup>

Overall, security forces are seen as something of an uncomfortable hybrid, simultaneously working in the national interest to ensure order and on behalf of a foreign agenda to subjugate armed Palestinian resistance.<sup>332</sup> The line between cooperation and collaboration is a thin one, which poses a virtually insurmountable challenge for the PSF's efforts to win Palestinian hearts and minds. Security officials are well aware of this:

Most people in the West Bank appreciate the current stability we provide, but we are not popular or respected. We often hear complaints about "the two occupations" of the West Bank – one Israeli and one Palestinian.<sup>333</sup>

As a result, the PSF systematically tries to downplay the scope of its cooperation with Israel. A Palestinian security commander said, "when the IDF moves into Area A,

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<sup>323</sup> "Most people laugh when PA or Fatah officials speak harshly about collaborators. How stupid do they think we are? I'm not necessarily saying that there is a viable alternative, but the PA itself appears to be the mother of all collaborators. Through its ferocious campaign against Hamas – as well as the demobilisation of Al-Aqsa Martyrs' Brigades – the PA has served an Israeli security agenda and essentially ended active resistance towards the occupation". Crisis Group interview, Palestinian analyst, Hebron, August 2010. Hamas officials are even more explicit: "The PA in the West Bank can only be described as a security agency for the Zionist enemy. Its campaign is a joint Zionist/American/Fatah effort against resistance in general and Hamas in particular, since Hamas leads the resistance. Abu Mazen [Mahmoud Abbas] bears primary responsibility for this since he sees resistance as an obstacle to his political program, so he considers anyone who believes in it or practices it to be his own enemy. Fayyad, as a tool of the Americans, and Fatah, since it has allowed the security apparatus to become a tool in the hands of the occupation, share the blame. The PA in Ramallah has chosen to be the partner, and especially the security partner, of Israel, against their own people and against resistance. In this sense, the existence of the PA in Ramallah is a function of its compliance with Israeli and U.S. demands. It has no independent means and support. If it stops complying, it will become irrelevant and will disintegrate since it won't be needed". Crisis Group interview, Hamas PLC member Mushir al-Masri, Gaza City, August 2010.

<sup>324</sup> According to security officials, the PA provided preliminary intelligence on the wanted men to the IDF, which then cut all contact with the PSF 24 hours before the operation. Crisis Group interview, PA security officials, Nablus, January 2009.

<sup>325</sup> Crisis Group observation, Nablus, December 2009.

<sup>326</sup> Fatah stalwart Qadura Fares called for the suspension of the "political" aspects of coordination while maintaining the coordination necessary for daily affairs. Others, including Fatah Central Committee members, made similar demands. Crisis Group interviews, Ramallah, December 2009.

<sup>327</sup> "We find ourselves before the point of review, of considering many of the things that we do .... If the [security] coordination does not lead to a halt in the incursions and the provocations, we will think anew". *Haaretz*, 2 January 2010.

<sup>328</sup> Crisis Group interview, PA security official, Nablus, January 2010.

<sup>329</sup> Ibid.

<sup>330</sup> The Village Leagues were administrative units charged with local governance in the West Bank under Jordanian rule. In the late 1970s and early 1980s, the Israeli Civil Administration revived them as an alternative Palestinian leadership in an attempt to marginalise the PLO. The experiment failed, and the Village Leagues fell into oblivion by the mid-1980s.

<sup>331</sup> Crisis Group interview, Hebron, March 2010.

<sup>332</sup> In its public criticism of the PSF, Hamas repeatedly draws attention to the foreign element. Hamas websites often refer to the Palestinian Security Forces as the "Dayton Forces" and claim that a "Daytonian culture" is permeating the PSF. The Gaza-based website of the Qassam Brigades even refers to the entire PA as the "Dayton government". In response, PA officials often downplay the extent of U.S. involvement, sometimes referring to Dayton and his staff as an "international team". According to the PA interior minister, "the role of the international team headed by General Dayton has been exaggerated by Hamas in order to undermine the PSF's legitimacy. It has become the centrepiece of their incitement towards the PA". Crisis Group interview, Said Abu Ali, Ramallah, April 2010. Many in Fatah – though not those in government – make similarly deprecating comments about Dayton. Crisis Group interviews, Fatah members, Ramallah and Nablus, January-June 2009.

<sup>333</sup> Crisis Group interview, PSF officer, Nablus, February 2010. The civil police is significantly more popular than the intelligence services, since it provides visible services and is less directly involved in political policing.

we pull out. This is not merely because we obey Israeli orders, but also because we want to reduce the perception of complicity. We do not want coordination to be visible”.<sup>334</sup> But given the IDF’s widespread presence across the West Bank, as well as the PSF’s role in preventing Israel-Palestinian friction, attempts to obscure cooperation have been in vain. After watching the PSF – with their backs turned to the IDF – face-off against Palestinian demonstrators, a local observer in Hebron commented: “It’s clear who they consider friend and foe”.<sup>335</sup>

## V. CONCLUSION: THE QUESTION OF SUSTAINABILITY

With faith in the political process at a low and Fayyad having set a deadline of August 2011 for his state building plan, many have come to question the sustainability of security sector reform. This is equally the case among security personnel, for whom it has become something of a mantra to say that security reform can only survive as long as the political horizon does.<sup>336</sup> The theory behind the PA’s current approach is that, by demonstrating to Israel and the world that it behaves responsibly and will prevent the emergence of any dangers to Israel, it can move deliberately but decisively toward achieving Palestinian national aspirations. A police officer put it as follows: “Before I go to bed at night, I look at myself in the mirror with pride, as I know that what I am doing is the only way to an independent Palestinian state”.<sup>337</sup>

Alarmist predictions abound as to what might happen should that independent state not soon materialise. The PA could shift to a more confrontational stance; security forces might grow demoralised and simply go home; or frustration could grow to the point where some see political advantage in returning to armed struggle.<sup>338</sup> Particularly within Fatah, one hears the forecast that those uncomfortable with security cooperation could seize the initiative.<sup>339</sup>

For now at least, there is reason to doubt such prognostications. In a sense, today’s political realities suggest that the PA’s security project is more sustainable than ever before.<sup>340</sup> First, deep antagonism between Fatah and Hamas

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<sup>336</sup> Crisis Group interviews, PSF officials, Ramallah, Qalqiliya, Nablus and Hebron, January-August 2010.

<sup>337</sup> Crisis Group interview, PSF officer, Ramallah, February 2010.

<sup>338</sup> Crisis Group interview, PA security official, Nablus, April 2010.

<sup>339</sup> “Look at what happened in Nablus at the end of December 2009. More than 10,000 people gathered to demonstrate against PA security cooperation with Israel. Such incidents are still rare, as we still have hope that a Palestinian state is achievable through cooperative means. But if that hope disappears, the reaction to the current security set-up will be much stronger. And this will create a fertile ground for militias like the Al-Aqsa Martyrs’ Brigades”. Crisis Group interview, Fatah leader, Ramallah, May 2010.

<sup>340</sup> A former security official-turned-analyst suggested that the frequent assertion of unsustainability by security personnel plays a crucial role in keeping security reform sustainable. “That’s the only way for the PSF to legitimise what they are doing. Their insistence that they will only stay in the game so long as there is hope keeps them, at least in their own eyes, on the right side of a very thin cooperation/collaboration divide. In fact, the only thing that divides cooperation from collaboration is the hope that in the end the day, what you are doing will pay off”. Crisis Group interview, Ramallah, July 2010.

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<sup>334</sup> Crisis Group interview, PA security official, Ramallah, April 2010.

<sup>335</sup> Crisis Group interview, Hebron resident, Hebron, January 2009.

likely will help the PA maintain its cooperation with Israel and prevent any instability in the West Bank, since any loosening of the reins, the PA fears, could allow Hamas to reassert itself. As even PA security officials admit, the intra-Palestinian struggle has been accorded priority over developments on the Israeli-Palestinian track:

As long as Hamas represents a clear and present danger to the PA, the security forces will continue to work to prevent it from having any influence. The fight against Hamas cements our security coordination with the Israelis.<sup>341</sup>

With self-preservation the highest priority, few in Ramallah have any appetite for a fundamental change. There are some – particularly within Fatah, including a few leaders at the movement’s highest levels – who are hostile toward what they call the “Dayton-led” reform and security coordination with Israel. But according to a Fatah Revolutionary Council member, “those who voice such criticisms are shut down immediately. People might complain, but at the end of the day, we have no alternatives to continuing security reform and coordination with Israel”.<sup>342</sup> When tempers flare and the possibility of shocks arises, the end result is bluster and little more.<sup>343</sup>

Secondly, would-be challengers are weak. The armed wings of Fatah and Hamas have been tamed, and ordinary West Bankers are tired. After years of violent intifada and draconian Israeli counter-measures, armed struggle is out of favour. When asked about a possible surge in unrest after a settler attack on Palestinians, a resident of a refugee camp near Nablus replied: “We are tired of fighting. The only unrest you might see here in Balata will be over the

World Cup”.<sup>344</sup> More broadly, for now at least, a sense of what an international aid official called “cause fatigue”<sup>345</sup> prevails in much of the West Bank, by which he meant a sense of despair about achieving Palestinian rights via any means, violent or not. In part, this stems from repeated frustrations and failures over two decades,<sup>346</sup> in part, it is because Palestinian political energy has been sapped by the West Bank-Gaza split. The extent of popular disconnect with the diplomatic peace process can be seen in the fact that in recent years, the fate of negotiations has provoked hardly any public reaction.<sup>347</sup> There is such little faith in them that their failure barely registers anymore.

Thirdly, the PA leadership is convinced that an eruption of violence would be fundamentally inimical to Palestinian interests. Popular, non-violent resistance is the only kind it is considering today:

The first intifada, which was popular and largely non-violent, gave us a political process culminating in the Oslo Accords. The second intifada – in which violence played a much more prominent role – destroyed everything we had built. The strategic lesson is clear: confronting Israel successfully can only be done through unarmed means. More and more PA and Fatah officials are buying into this logic.<sup>348</sup>

The official messaging is clear and consistent across the West Bank and throughout the PA bureaucracy. From Jenin to Hebron, from Qalqilya to Jericho, popular, unarmed struggle is seen as the only reasonable form of resistance.<sup>349</sup> Anything else, officials say, would only play into

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<sup>341</sup> Crisis Group interview, PA security official, Ramallah, June 2010.

<sup>342</sup> Crisis Group interview, Fatah Revolutionary Council member, Ramallah, June 2010.

<sup>343</sup> Neither Operation Cast Lead nor violence in Jerusalem prevented the deepening of security ties. Nor have other flare-ups and crises. As described above, when demonstrators in Nablus called for an end to security coordination in December 2009, Abbas declared that security relations with Israel might be reconsidered but took no action. Similarly, when a controversial Israeli decision came into effect in April 2010, amending previous regulations on arrests and expulsions of so-called infiltrators in the West Bank, a Fatah Central Committee member predicted: “This decision will lead to the collapse of all forms of cooperation between Israel and the PA, including the security coordination, and this in its turn might lead to complete estrangement that will end up with the collapse of the entire PA”. *Al-Sharq al-awsat*, 19 April 2010. Yet days later, IDF and PA security officials said that coordination had reached an unprecedented level. Crisis Group interviews, Ramallah and Tel Aviv, April 2010.

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<sup>344</sup> Crisis Group interview, May 2010. A Palestinian journalist added: “The vast majority of Palestinians oppose militancy, as we know all too well what kind of retaliation to expect from the Israelis. In this sense, Israel’s use of collective punishment has succeeded. The majority of Palestinians now oppose violent resistance, since the personal cost is too high”. Crisis Group interview, Ramallah, May 2010.

<sup>345</sup> Crisis Group interview, Jerusalem, June 2010.

<sup>346</sup> See Crisis Group Middle East Report N°95, *Tipping Point? Palestinians and the Search for a New Strategy*, 26 April 2010.

<sup>347</sup> The collapse of the Olmert-Abbas negotiations at the end of 2008 produced neither unrest nor tension between the IDF and the PSF. On the contrary, even as diplomatic relations soured, day-to-day cooperation improved. Similarly, delays in starting the U.S.-led proximity talks in the beginning of March 2010 largely coincided with a further deepening of the Israeli-Palestinian security cooperation.

<sup>348</sup> Crisis Group interview, PA official, Bethlehem, April 2010.

<sup>349</sup> Crisis Group interviews, PA officials, Jenin, Qalqilya, Nablus, Ramallah, Salfit, Jericho, Bethlehem, Beit Ummar and Hebron, January-June 2010. Some even argue that the Palestinian people are going through a cultural transformation regarding violence. According to Nabil Shaath, a Fatah Central Committee member, “a culture of peace is now spreading in Palestine, partly because Palestinians have experienced – through

Israeli hands by legitimising even harsher measures against their people.<sup>350</sup> Should violence flare, officials are confident that they can extinguish it.<sup>351</sup> In this sense, the security services assert that they do not maintain calm in the West on behalf of Israel, since Palestinians benefit first and foremost. This is why a former Hebron governor insisted that even a prolonged stalemate on the diplomatic track would not bring about a collapse of security coordination or generate a new wave of Israeli-Palestinian fighting.<sup>352</sup>

In the longer term, though, contradictions and weaknesses at the core of the reform agenda are likely to surface. Its principal strength comes from popular weariness with instability but that could prove reversible, especially, and ironically, as conditions improve. Then, as in the 1990s, perpetuation of what was supposed to be a transitional phase – the PA as a “half-way station” between occupation and independence<sup>353</sup> – could come under intensified political assault. Not surprisingly, security personnel of all stripes fear that policing the West Bank at some point could be seen in popular eyes as little more than subcontracting for Israel.<sup>354</sup> Few are willing to offer a specific prediction about when this shift might occur, but their uncertainty about timing does not lessen their conviction that it will happen:

Without tangible results on the Israeli-Palestinian track, the current set-up cannot continue indefinitely. It is bound to change. Exactly how it will change is another question. Whether security coordination will collapse completely, or just be reduced, is not clear.<sup>355</sup>

In this sense, popular reaction to the recent West Bank shootings is instructive. There appears to be little enthusiasm among West Bankers for the attacks and fear of Israeli reactions,<sup>356</sup> but there is also understanding for

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Israeli retaliation – that nothing good comes of violence”. Crisis Group interview, Ramallah, March 2010.

<sup>350</sup> A PA security official in Nablus argued: “The best way of defying the Israelis is by not responding to any provocation”. Crisis Group interview, Nablus, March 2010.

<sup>351</sup> Crisis Group interviews, West Bank governors, January-June 2010.

<sup>352</sup> Crisis Group interview, Hebron, March 2010. After the interview, the governor handed Crisis Group staff a Palestinian handicraft, stating, “this right here is the third intifada: preservation of our cultural heritage”.

<sup>353</sup> Agha and Khalidi, *op. cit.*, p. 84.

<sup>354</sup> Crisis Group interviews, PA security officials, Ramallah, Nablus and Hebron, January-June 2010.

<sup>355</sup> Crisis Group interview, senior PSF official, Ramallah, March 2010.

<sup>356</sup> Not without reason: in the days after the attacks, settlers burned fields and uprooted trees around the West Bank. Crisis Group interviews, Nablus, Hebron and Ramallah, September 2010. At the same time, few appeared at all concerned about the impact on peace talks which, in any event, they opposed.

Hamas’s targeting of settlers and frustration at the PSF’s impotence. A Nablus resident said: “It’s a natural reaction. Over the past years, the PA has worked hard to prevent attacks on settlers, but repeated settler harassment has gone unanswered. In this context, many Palestinians support the operations as both revenge and deterrence”.<sup>357</sup>

Israeli security officials are also concerned about the sustainability of the PA’s security agenda. A general cut to the heart of the matter, echoing what he had heard from his Palestinian counterparts:

In the short term, our cooperation will remain solid, even in the absence of a political process. Both sides realise that without the cooperation, everything will collapse in the West Bank, and neither side wants that to happen. The big question is how long this situation can last. In the long run, things might change since without any prospect of Palestinian statehood, the PSF will start to look like collaborators.<sup>358</sup>

The 2 September 2010 resumption of direct talks is, in this regard, both promising and perilous. Successful negotiations – and in particular the achievement in relative short order of a broad framework agreement as hoped by the Obama administration<sup>359</sup> – would be a major breakthrough, casting a wholly different light on security cooperation. But their failure could have devastating consequences, calling into question the PSF’s ability to continue business-as-usual. A well-informed Arab official remarked:

If negotiations fail, if there is no umbrella and no hope, why would security personnel continue to do their jobs? Without hope, Fayyad will be building the PA, not a Palestinian state. The security people know that Abbas was dragged to negotiations. They know there was no alternative, that there was enormous political pressure. But they feel it is risky all the same, and they are not sure how they will handle failure.<sup>360</sup>

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“Most Palestinians have become so depoliticised that they simply don’t care much about these incidents or the talks. My feeling is that the international press and diplomats are far more interested in these matters than the average Palestinian”. Crisis Group interview, Nablus resident, September 2010.

<sup>357</sup> Crisis Group interview, Nablus, September 2010.

<sup>358</sup> Crisis Group interview, Israel brigadier general, Tel Aviv, March 2010.

<sup>359</sup> Crisis Group interview, U.S. official, Washington, August 2010. The framework agreement would be a document reflecting broad principles guiding resolution of all permanent status issues: borders, security, Jerusalem and the refugees.

<sup>360</sup> Crisis Group interview, Jerusalem, August 2010. He added: “The security chiefs met with Fayyad to tell him this. He replied that security on the ground is not related to the peace process, and it is their job to enforce it. But they are worried

Also underpinning the reform agenda have been internal Palestinian divisions, which unquestionably have encouraged IDF-PSF cooperation by leading to a convergence of interests. But that too is a double-edged sword. The internal Palestinian conflict has significantly harmed the PA's legitimacy, which in turn has harmed the legitimacy of its security steps. The theoretical goal might have been to form a depoliticised security sector, but the reality has been a deeply politicised one. In turn, this has further deepened the rift with Hamas. While the outlook in Gaza is no less bleak, the reciprocal campaigns there and in the West Bank have increased animosity<sup>361</sup> and distanced the possibility of reconciliation.<sup>362</sup> "With every arrest campaign, with every Hamas member who loses his job and with every Hamas-led charity being closed", said a Palestinian analyst, "reconciliation seems less likely".<sup>363</sup>

Given the extent of the crisis in June 2007, it is not surprising that the PA elevated what it saw as its own self-preservation over national unity. But since then, more than three years have elapsed, and if the claim of imminent overthrow arguably was overstated at the time, the PA is clearly in so much danger today. The risk to the just-resumed peace negotiations is twofold. First, the Ramallah leadership's mandate is under severe question as Palestinians wonder whom the negotiators are supposed to represent – given the West Bank/Gaza and Fatah/Hamas divisions, the absence of elections and that leadership's growing isolation from its constituency. Secondly, the division means that Hamas, with no stake in a process it views as designed to weaken the movement, has every incentive to sabotage it; the recent West Bank attacks serve as the first reminders.

Some immediate steps can be taken to minimise security-related Israeli-Palestinian friction, reduce the frustration of Palestinian security forces, curb PA human rights abuses and limit the damage to Palestinian democracy. These could include, on the Israeli side, allowing the PSF to expand its area of operation, for example by increasing its presence in Area B (for a start, bringing the number of police stations there from fifteen to 25) or allowing it to

operate regularly in parts of Area C.<sup>364</sup> In parallel, the IDF could strictly limit its incursions into Palestinian population centres by raising the seniority level necessary to authorise an incursion to the division commander and allowing them only in cases of imminent attack. Likewise, the IDF could facilitate Palestinian crime-fighting efforts in Area C, beginning with Hebron's H2 Area.

To rein in human rights violations and strengthen democratic life, the PA could initiate steps to adopt a code of conduct for security personnel that conforms to international human rights standards; prohibit arrests and detentions where there is no clear suspicion of criminal activity; and subject security services to oversight by judicial authorities. Beyond that, it could seek to bring to justice security officers involved in human rights violations; issue a presidential decree prohibiting all forms of torture in PA detention centres; cancel the requirement that civil sector public employees, journalists and NGO board members obtain "good conduct" certification from the security services; respect freedom of association and refrain from closing down civil organisations; and continue efforts – in cooperation with donors – to strengthen the PA's justice sector. Finally, and pending new Palestinian Legislative Council elections, the government could establish an ad hoc, independent mechanism to oversee the PSF.

Such steps would make a difference in terms of Israeli-Palestinian and Palestinian-Palestinian relations. And many Palestinians would welcome them. But as long as the current overall situation remains as it is, the PSF will face the contradiction of working with the occupier in providing security for the occupied and of working for one side of the political spectrum against another. The effects of these inherent challenges can be mitigated, but – in the absence of a credible peace process and a credible internal reconciliation process – not more.

### **Ramallah/Jerusalem/Brussels, 7 September 2010**

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because it is not just about them. It is about their staffs, and they need to be convinced to do their jobs".

<sup>361</sup> "The violent targeting of the political opposition – including systematic human rights violations on each side – has arguably contributed more to the mutual distrust between Fatah and Hamas than any other single factor. The scars run deep". Crisis Group interview, Palestinian commentator close to Fatah, Ramallah, June 2010.

<sup>362</sup> Hamas legislators cite "the situation on the ground" as "one of the key obstacles to reconciliation". Crisis Group interview, Hamas PLC member, Ramallah, June 2010.

<sup>363</sup> Crisis Group interview, Ramallah, May 2010.

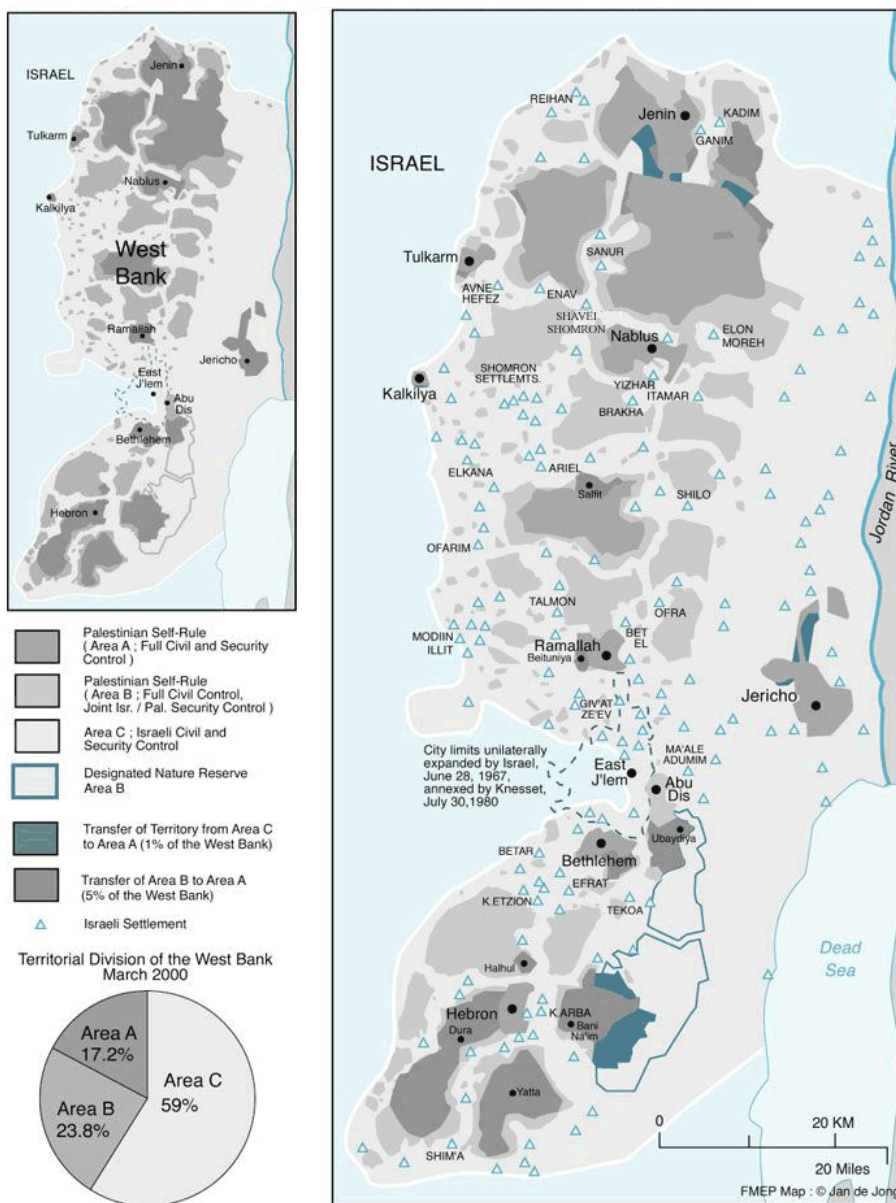
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<sup>364</sup> This could be the case in particular in the northern West Bank in the Jenin Governorate, where all parts of Area C east of the Mevo Dotan settlement could be included.



## APPENDIX B

### MAP OF THE WEST BANK AFTER THE SECOND ISRAELI DEPLOYMENT (FRD) ACCORDING TO THE SHARM EL-SHEIKH MEMORANDUM – MARCH 2000



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*Note: Israel evacuated Sanur, Ganim and Kadim (in addition to one other settlement, Homesh) in 2005 as part of its disengagement from the Gaza Strip. The territories on which the settlements stood, however, remain defined as Area C and therefore off-limits to Palestinians and the Palestinian Security Forces.*

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan,

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**September 2010**



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- Egypt's Muslim Brothers: Confrontation or Integration?*, Middle East/North Africa Report N°76, 18 June 2008 (also available in Arabic).

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- Iraq and the Kurds: Resolving the Kirkuk Crisis*, Middle East Report N°64, 19 April 2007 (also available in Arabic).
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