



DCAF-Shams Forum

'DELIVERING SECURITY TO THE PALESTINIAN PEOPLE'

Salfit, Palestine

18 June 2008

SUMMARY REPORT

Introduction

On 18 June 2008, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Shams Centre for Human Rights and Democratic Participation organised the fifth Forum 'Delivering Security to the People – Challenges to Palestinian Security Sector Governance' in Salfit, northern West Bank. Launched in early 2008, the Forum aims to enhance the Palestinian dialogue on security sector reform and supports a sustainable reform process based on the security needs of the Palestinian population. The Forum brings together representatives from all Palestinian stakeholder groups, including security officials, political leaders and civil society. The Forum's sessions take place in all Palestinian governorates throughout the West Bank and the Gaza Strip.

The Governorate of Salfit is the smallest and youngest governorate in the West Bank. Located between Ramallah and Nablus, it was established in 2006. During the summer of 2007, Palestinian authorities began to implement a new security plan in Salfit. Its implementation went through various stages and continued throughout the summer of 2008; it included the reorganisation of the Palestinian National Authority (PNA) security forces on the ground, the deployment of newly-trained security personnel, and a number of anti-crime operations. The Forum's participants discussed the impact of the security plan in the context of the broader Palestinian

security sector reform process. The session brought together more than 200 representatives of the Palestinian security forces, the Palestinian National Authority, local authorities, political factions, armed groups, academia, civil society organisations, and the media. The high number of attendants representing different stakeholders showed that Palestinians are keen to debate security sector governance and reform in an inclusive fashion.

Rebuilding Security Capabilities – The View of the Palestinian Security Forces

In his remarks, Brigadier-General Munir Al-Abbushi, Governor of Salfit, presented the main challenges to Palestinian security sector reform. He started by commending Palestinian security forces for their performance under very difficult circumstances:

Security forces should be proud of themselves. Even Europeans and Americans wonder how Palestinian security personnel could serve for three years without receiving salaries.

Brigadier-General Al-Abbushi distinguished between external and internal constraints that hamper Palestinian reform efforts. Referring to the large presence of Israeli settlements in the Salfit Governorate, he explained that the Israeli occupation is the main external obstacle to reform:

We should not forget that Palestinian security forces and their infrastructures were completely destroyed by the Occupation over the past years. Nowadays, movement restrictions in the West Bank still prevent Palestinian security forces from controlling the territory. To be clear: even if we cooperate with the Israelis, we are suffering. They could break up our meeting at any time, and no one can prevent that.

Brigadier-General Al-Abbushi went on to point out internal factors that prevent effective reforms. He explained that organisational confusion between the different types of security forces and unclear missions have been hindering the effective delivery of law and order to the population:

In the past, there were fifteen different Palestinian security forces, which were not always aware of their respective mandates. This situation led to clashes within these organisations as well as between some of them.

In Brigadier-General Al-Abbushi's view, political factionalism in the Palestinian Territories and the control of the Hamas movement over the Gaza Strip further impeded reforms.

According to Brigadier-General Al-Abbushi, the main goal of security sector reform (SSR) is to build effective security capabilities in order to deliver security to the people and protect Palestinian political institutions. Even though there has been some progress in the reorganisation of Palestinian security forces, Brigadier-General Al-Abbushi explained a lot still has to be done:

We are in dire need of security forces that protect the security of the citizens, regardless of factional struggles. The government also made great efforts to create security forces that protect the executive, legislative and judicial authorities. To this

end, it should establish a structure containing only three types of security forces: national security forces, internal security forces, and intelligence agencies.

In Brigadier-General Al-Abbushi's view, protecting the caretaker government's institutions in the West Bank is a main priority in the current reorganisation process of security forces:

We want to strengthen security organisations in order to protect the democratically elected regime. We want to avoid what happened in Gaza, which is very dangerous and has terrible repercussions.

Brigadier-General Al-Abbushi ended his remarks by calling for a comprehensive security sector reform process that includes Palestinian civil society as well as relevant security and justice providers:

Palestinian citizens should identify their needs in terms of security, both on internal and regional levels. Citizens in all governorates should cooperate with Palestinian security forces by participating in the current security campaigns. The reform should be comprehensive and include the judiciary, which is in a worse shape than security forces.

Major Loay Shaaban, Spokesman for the Palestinian Civil Police in Salfit, explained the PNA's security policy in the West Bank. Major Shaaban said the PNA aims to pacify the situation in the West Bank, confiscate illegal weapons and cars, and fight against killings. He gave examples of operations that, in his view, were successfully conducted by Palestinian security forces:

Palestinian security campaigns have proved successful in Nablus, Tulkarem and Ramallah. These cities' situation in terms of economy, health and social security demonstrate the success of the security campaigns. These campaigns will continue and the PNA will establish the rule of law in all governorates.

Major Shaaban underlined that close cooperation between security forces and the people has been key for the success of the security campaign in Salfit. Law and order can only be sustained through mechanisms of communication between security forces and citizens:

I would like to thank the citizens of the Salfit Governorate for assisting us in getting rid of illegal cars. Security forces are willing to hold meetings with the people to raise awareness and show we are here to serve them.

In his presentation, Mr. Imad Mussa, Head of the Planning Department at the Salfit Governorate, considered the current security operations in the West Bank in the larger framework of SSR. Mr. Mussa acknowledged that security forces still face mistrust from citizens. In his view, the absence of a broadly accepted vision of Palestinian security prevents better relations between the people and the authorities. As Mr. Mussa explained:

Our view of security is not unified. Some people think security forces only protect their own interests. Others believe that security forces only serve the occupation, not the population. They think security forces should fight the occupation. Some feel those forces are being used to implement regional security plans and strategic ambitions, while others consider security forces serve political factions.

Security forces are divided along factional lines because of conflicts between Palestinian political movements.

In Mr. Mussa's view, only the development of a long-term vision of Palestinian security as well as a national security policy could guarantee that the current SSR process produces lasting results. This would also help convince the citizens that security forces are working for their good:

We must define a common vision for all security institutions, which should be the basis for a national security policy. This vision should be based on a clear threat analysis, which spells out security objectives and determines needs and budgets. We should reorganise security institutions - some of them should merge - and delineate their rights and duties.

Mr. Mussa concluded by underlining the importance of security forces oversight for gaining public confidence:

Oversight is important. Although the Palestinian Legislative Council (PLC) is currently paralysed, civil society institutions continue to exercise oversight. Such oversight mechanisms should ensure our national project is in line with international agreements that have been signed on behalf of the Palestinian people.

Strengthening Oversight and Accountability - The View of Palestinian Civil Society

Mr. Samir Abu Shams, Field Officer at the Independent Commission for Human Rights (ICHR), gave an overview of the current oversight mechanisms in the Palestinian National Authority. In Mr. Abu Shams' view, strengthening oversight should be a key feature of the SSR process. As he explained:

Security forces often need guidance and orientation. Oversight is very important because clashes still occur between security forces. Moreover, a lot of people are still unaware of the meaning and scope of human rights.

Mr. Abu Shams further explained that security forces often act with disregard to legal procedures:

Security forces must make an effort before arresting people, not after. Some security personnel have a backward understanding of the presumption of innocence: they believe the accused should be considered guilty until proven innocent.

According to Mr. Abu Shams, strengthening the independence and effectiveness of the judiciary should be a key element of security sector reform:

There must be equality before law. We cannot always blame the occupation for our own shortcomings. The courts themselves sometimes create obstacles to the law's application. That reflects negatively on security forces, who are supposed to cooperate with the judiciary. Reforming the judiciary is therefore of high importance.

Mr. Abu Shams concluded by underlining the importance of the principle of professionalism for security forces. Only politically neutral and properly controlled security forces can gain the population's trust:

According to democratic principles, the work of the security forces should never be affected by politics. Palestinian security forces must be independent from political streams and factionalism in order to serve the people.

In his remarks, Dr. Abdelkarim Al-Barghouti, Professor of Philosophy at Birzeit University, underlined the need for a mental shift among security personnel. Recognising that Palestinian security forces work under difficult conditions, he recommended to educate security personnel in order to regain the trust of the citizens:

Security and police officers should be trained in order to acquire the analytical skills and psychological ability needed to analyse the issues they are confronted with. Through training, officers will learn how to handle external pressure. They should be able to refuse to execute an order if it contradicts their values or assessment. Only then will they be able to gain public trust. Furthermore, security personnel education is the only way to end the culture of tyranny that prevails within security forces.

Dr. Al-Barghouti went on to say that the current SSR process did not put enough emphasis on education based on civil-democratic principles. He criticised the Palestinian authorities for adopting what he considers misguided recruiting and education policies:

We now see vacancy announcements encouraging people who do not have high-school degrees to apply for positions within the police. Why is the government offering to employ people who failed in school? Why does the government not motivate those who fail to achieve better results? Why wanting to employ them in the police?

Dr. Al-Barghouti underlined that the politicisation of security forces is a major obstacle to the establishment of law and order in the Palestinian Territories. He called upon the authorities to stop arbitrary arrests of the population:

Political detention cannot be accepted by any standard, be it international or Palestinian. Arrests based on political affiliation are foreign to Palestinian history. A person should not be arrested based a factional basis, but on his actions.

Dr. Al-Barghouti finally called for a comprehensive debate on the vision of Palestinian security. This debate should lead to a proper normative framework for the security forces:

We need an integrated and comprehensive vision of security, based on our democratic system. In this context, we need a law that defines criminal activities and prescribes punishments. We also have to ensure that security organisations are politically neutral.

Discussion

In the ensuing debate, participants discussed the implementation of the PNA security plans in Salfit and other governorates of the West Bank. Participants paid special attention to the issue of detention of citizens by the security forces. A number of

discussants were critical of the authorities' arrest practices and highlighted what they consider illegal detentions. As participants remarked:

An arrest based on Fateh or Hamas affiliation is a political arrest; and a political arrest, based on factional background, is against human rights. Another issue concerns the questioning of underage youth: why is the police allowed to examine them in the absence of their parents or any other person in charge?

Discussants were also critical of the authorities' interference in civil society organisations:

University heads of departments say they are being pressured to reject some applicants based on their factional background. Furthermore, security forces have closed down cultural centres whose opening had been previously authorised by the Ministries of Culture and Interior. How is it possible to do that without any justification?

Brigadier-General Al-Abbushi denied that the PNA conducts political arrests. In his view, the security forces' detention practices are in accordance with the Palestinian law:

All armed groups are outlawed by the authorities; the only legal weapons are those used by security forces. As a matter of principle, we are not against the factions, but anyone who uses his political affiliation in a wrong way will be arrested.

Discussants also commented on the political dimension of the current SSR process. According to many participants, factionalism and political fragmentation are serious obstacles to sustainable reform. They called for national dialogue between all groups of stakeholders in SSR to overcome internal divisions within the Palestinian Territories. As one discussant remarked:

It is true that Palestinian security institutions are repressed by the occupational power. It is difficult for them to work and establish security under such circumstances. But internal political divisions are also delaying the reform process. The only solution to this problem is political.

Other speakers blamed the authorities in the West Bank for their perceived lack of willingness to engage in a meaningful national dialogue:

Hamas is elected. The resulting problem needs to be solved on the political level.

I remind the governor that, given the reconciliation document and the Mecca agreement, not much remains to be discussed. The agreement only needs to be implemented.

In many participants' view, the national dialogue should result in the development of a Palestinian national security policy. Only through such a policy can a sustainable and legitimate reform process be achieved:

We need a comprehensive security policy. Security forces as well as the people bear responsibility for developing and implementing this policy.

A number of participants criticised what they considered a lack of coordination between security organisations and judicial institutions. In their view, to the aim of SSR is to ensure that security forces work in an efficient fashion:

One of the most important obstacles facing the security sector is the lack of harmony between the judiciary and security forces. Their procedures should be fine-tuned in order to respect the people's rights and to implement reforms.

Finally, participants and civil society speakers agreed on the need for functioning accountability mechanisms. One discussant remarked:

There is no doubt that security forces sometimes violate the law. Despite the existence of laws and judiciary bodies, it looks like laws are not enforced. The issue is whether there is an agency that can really ensure security forces are accountable. A huge gap remains between security forces' practices and written judiciary procedures.

Conclusions

Since the installation of the caretaker government in the West Bank in the summer of 2007, Palestinian authorities have taken a number of steps to streamline and reorganise their security forces. Yet, many of these measures have taken place outside the normal institutional process of the Palestinian National Authority and in the absence of proper civil-democratic control. The security operations of the caretaker government in the major West Bank cities have produced mixed results. While Palestinians welcome the efforts to establish law and order in their neighbourhoods, they criticise those governmental actions, which they see as curtailing individual rights and freedoms. Many Palestinians are particularly critical of the security forces' detention practices. For an increasing number of Palestinians, the current SSR process is thus less about strengthening accountability and transparency than about the authorities building up repressive capacities.

The DCAF-SHAMS Forum in Salfit provided an opportunity for Palestinian stakeholders to voice their opinions on the direction of the current reform process. Palestinians debated local security needs as well as the strategic direction of reform in an inclusive fashion. In this context, discussants made a number of recommendations:

On the strategic level:

- To initiate a broad and inclusive dialogue on the content and vision of Palestinian security; such a dialogue should encompass all stakeholders in Palestinian security sector governance – executive authorities, security forces, legislative and judicial institutions, political parties, civil society, media, women groups, and the private sector;
- To initiate the development of a national security policy that can steer the SSR process and ensure its responsiveness to public expectations.

On the institutional level:

- To strengthen oversight and accountability mechanisms in the PNA, in particular in the PLC and the judiciary;

- To improve executive management mechanisms and build a proper institutional framework for cooperation between the judicial authorities and security forces;
- To develop a proper normative framework for the security forces, which reflects international standards of civil-democratic security sector governance;
- To undertake serious efforts to depoliticise the security forces, so that they deliver security and justice to all Palestinians, regardless of their political affiliation;
- To ensure that civil society has a say in the design and implementation of reform policies through regular consultations with the Executive branch.

On the operational level:

- To ensure that security forces operate in accordance with Palestinian legislation and international standards, in particular regarding arrests and detention;
- To increase civic education, human-rights and public relations training for security forces personnel and ensure that these subjects are included in training curricula;
- To improve cooperation between the different institutions in the security sector, particularly security forces, public prosecution and courts.

In this context, it is crucial that international donors pay more attention to Palestinian security needs. To be sustainable, a reform process needs the population's support. Donor contributions that are perceived as building up repressive capacities are unlikely to strengthen public trust in security forces. Donors should thus make sure that security sector reform assistance benefits all Palestinians, whether in the West Bank or the Gaza Strip. This means donors should encourage the Palestinian National Authority to return to the normal institutional process. It also means the international community should reconsider its position towards the Hamas movement.

Hence, donor countries should make sure that:

- Security sector reform assistance in the Palestinian territories is made consistent with international norms and standards that apply to such assistance.
- International assistance, and particularly assistance to SSR, is depoliticised in order to obtain broader acceptance.
- Technical assistance is accompanied by commensurate investments in oversight and accountability mechanisms.