Security Sector Reform in the Arab Countries: The Case of Palestine

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The security institution is viewed by the Palestinian public, civil society organizations including political parties, the private sector and the media, not to mention Israel and the international community, as a failure in protecting the foundations of a Palestinian democratic system. This paper intends to shed light on the reasons and factors leading to this conclusion.

Self-generated obstacles

Founders of the nascent security establishment were individuals who were part of the Palestine Liberation Organization (PLO) in exile. Naturally, these individuals inherited traditions and practices of the organisation and its factions, or from the various militias they affiliated with in other Arab countries such as Jordan, Lebanon, Syria and Egypt. They were also influenced by the environment they were living in, and hence by the conduct of officials and employees of the security services in countries that have their own undemocratic modes of behaviour.

This conclusion is based on the obvious practices and behaviours of those appointed by late President Arafat to form the different military apparatuses and who were trained to practice revolutionary military activities while in exile, but are now required to follow civilian laws in their new positions.

What complicated matters further was the overlapping of responsibilities between the Palestine National Authority (PNA), which the security establishment is part of, and the resistance groups that operated under different orders by the factions. This became clear from the political discourse and official programmes adopted by the different factions who abided by the Oslo Agreement and became part of the PNA after 1994.

These factions had dual messages that adopted a programme calling for building a civilian authority on the one hand, and advocating the liberation phase though resistance on the other hand. This created confusion in the minds and practices of the establishment regarding their objectives, role, management tools, oversight, number of staff, etc. Moreover, it affected their relationship with the civilian authority apparatuses, factions opposed to the PNA and its role, and the very agreement by which it was realized became very suspicious of anyone related.

Centres of influence under partisan cover

At the inception of the establishment, all top officials in the security establishment were coming from the same political faction, Fateh. This group pretended to establish a neutral

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national institution, which would be at the service of all citizens. Some of those officials included Ghazi al-Jabali, Mousa Arafat, Khalil al-Hindi, Tewfic al-Tirawi, Mohammad Dahlan, Jibril Rajjoub, Fathi al-Bahria and Rashid abu-Shbak. This set-up contributed to de-legitimize the whole institution and was not viewed as neutral national institution by the public.

The problem was compounded by the rivalry which arose between the different officials within the institution each exerting great efforts to strengthen his personal position using his rank as well as resources of the agencies under his control. This weakened the PNA’s “transitional” constitutional, executive, legislative and judicial institutions whose job is to exercise monitoring of the functioning of these agencies.

This gave the security officials and personnel the opportunity to expand their respective prerogatives, taking advantage of the absence of laws regulating their activities. They began to interfere in the different aspects of the Palestinian social life providing favours to people of their liking, which helped to create a network of self-interest groups and individuals forming affiliations. In return, these groups complicated and resisted any change or reform attempts which came later.

**Israel’s intervention: Oslo Agreement**

The Oslo Agreement and its annexes, especially the annex related to the security protocol, proved, as time revealed, to be one of the main obstacles in the face of reform. Up until 2002, the Israelis insisted on a security agreement that includes forming internal security units (Police) capable of protecting the abovementioned agreement and preventing acts of violence against Israelis (resistance activities). According to the Israeli view, the objectives of any reform process depend on the extent by which the Palestinian security establishment is able to perform this role. It bases its claim on the items specified in the Agreement which gives them the upper/supreme security control over the Occupied Palestinian Territories, and confines the Palestinian security role to specific besieged areas inside the cities.

This reinforced Israel’s right to intervene in the occupied areas, with support from third parties, namely the United States, and the European Union. The overlapping, fostered by the Oslo Agreement between Israel’s security role and that of the PNA, gave Israel the upper hand in key areas relevant to the Palestinian security structure itself. This includes number of employees, type and amount of weapons, smooth running of logistics, stationing areas and its direct role in dealing with the opposition. In general, Israel’s position regarding such issues reflected the nature of the Israeli Government in power and its leaders, vis-à-vis the Oslo Agreement. It also reflected their attitude towards President Arafat and Palestinian officials in charge of different security services as well. Israel insisted on playing a direct role in each, and every reform process, through cooperation with officials in the Palestinian security establishment. This was facilitated by the nature of the Agreement which gives them an overall control of Areas B and C, a division of land created by Israel after the signing of the agreement, and confines the Palestinian role to Area A, i.e., inside big cities.

**International interventions**

The United States, in particular, played a negative role in reforming the Palestinian security establishment due to its unconditional bias to the Israeli point of view regarding the implementation of the security aspects of the Oslo Agreement. It focussed its efforts on the security aspect of the agreement, in particular on reforms that targeted the security services’ readiness to fight “terrorism” and suppress other armed groups. Special focus was placed on technical aspects like training, equipment, and self-control practice. This became evident from reports written by several American envoys and their consultants, during the pre-Sharon period of 2002. The Americans endorsed the latter’s official position stating that neither Arafat nor the PNA were valid partners for peace. Furthermore, it declared
that it could not trust the Palestinian security services to carry out their duties as stated in the Oslo Agreement. This was followed by the Americans stopping any support for reform, while countries of the European Union, like Spain and Great Britain, limited their assistance to small technical aspects (the Police).

**Distorted inflation: structure and costs**

What characterised the Palestinian security services most was the inflated number of their staff, and the lack of expertise, in addition to overlapping of duties and prerogatives of officials. This became apparent especially when other agencies, like the Intelligence agency, the Preventive Security agency, Military Intelligence, Naval and Special Forces were performing the Police’s main duties, including arrests and investigations.

Moreover, the total cost of the security services’ salaries and needs amounted to approximately 40% of the total public expenditure, with salaries accounting for 90% of total expenses, drawn from a budget that relies entirely on external assistance from funders. The security establishment’s staff generally owes their personal loyalty to the official in charge. In return, this loyalty provides a way of ensuring an additional income to the individuals and guarantees personal protection, or, if necessary provides cover or legitimacy for activists in local armed groups.

Ranks and promotions, however, are based on one’s position within his faction and not according to his qualifications, especially in the Intelligence agencies, Preventive Security and Military Intelligence services. Contrary to this, members of the police force have lower ranks, lower salaries and fewer privileges and usually come from poor rural areas. This resulted in the forming of services (the Intelligence, Preventive Security, Personal Guard and Military Intelligence Services) whose leaders enjoyed special privileges, while lower rank police officers lack these privileges.

The Intelligence agency has approximately 7,500 members, half of whom are from the Gaza Strip. This establishment has an intervention force with spacious detention and investigation centres. It is directly linked to the President of the PNA through its director; and operates according to a special law approved by the Legislative Council in 2005. Of the 7,500 members mentioned above, twenty thousand are in the police force with more than half of them are from the Gaza Strip, including 1,000 policewomen.

For its part, the Preventive Security Agency, a rival of the Intelligence Agency, has around 8,000 staff members over half of whom come from the Gaza Strip. Their responsibilities include internal intelligence activities in Gaza itself such as criminal investigations, drug enforcement administration, pursuit and prevention of economic violations and protection of institutions. It also has its own special well-equipped force for arrests in addition to detention centres. The agency functions by virtue of a presidential decree.

As for the National Security Force unit, it has around 12,000 staff members, half of whom are from Gaza, while the Civil Defence Force has approximately 1,000 members.

**Absence of a basic security law**

Most Palestinian security-related laws are a reproduction of other Arab security legislation (mainly Egyptian and Jordanian). These legislations are also applied by applying similar strategies such as establishing and maintaining several rival agencies at the same time. These agencies are known for their lack of expertise and professionalism, and affiliation to the president or king. Such is typical of armies, intelligence agencies and special forces. The agencies are not held accountable to the parliament; sometimes not even to the country’s political leadership.

Finally, it is safe to conclude that these forces are created to serve and give their loyalty first and foremost to the regime rather than to the public, or to enforce the law and serve the citizens.
Despite the fact that since the Palestinian security establishment did not have a law regulating the duties of the various sections of the establishment until 2005, a number of laws were adopted among which are:

- Service Law for the Palestinian Security Forces No. 8 for 2005. This law is relevant to rules and regulations governing, among other, appointments, promotions, evaluations, transportations, and leaves;
- Retirement and health insurance Law for the Palestinian security forces, and related amendments;
- Intelligence Agency Law;
- Civil Defence Law;
- A decree concerning a Preventive Security Law.

**National Security Council: a reference or a tool of control?**

Despite the fact that President Yasser Arafat issued the first presidential decree for the establishment of the National Security Council, immediately after coming to Gaza in 1994, the council did not materialize due to his style of management. At the time, as commander in chief, the late President Arafat assumed direct control of the various security services through loyalists he himself had appointed. The role and needs of each agency was dealt with directly and on personal bases through the director of each section.

In 2003, the basic Law was amended to create the post of prime minister and transfer internal security prerogatives from the President to the Government. President Arafat, however, decided to revive the National Security Council issue in 2004, in order to reclaim control of the security services. In 2005, after Mr. Mahmoud Abbas was elected, he issued a new decree specifying the duties of the National Security Council as follows:

- Formulate security-related policies and plans;
- Define and evaluate threats;
- Establish coordination mechanisms between political authorities/faction leaders and heads of the different apparatuses;
- Supervise security coordination with foreign parties;
- Approve security-related budgets

Despite the abovementioned, the National Security Council does not abide by the Basic Law in practice.

**Institutional and legal deficiencies**

In addition to lacking institutional reference/law, collective leadership and comprehensive legislation organising its activities, the Palestinian security services suffers from the following shortcomings:

- Establishment of multiple agencies with no justification for existence; and lack of harmony in administrative and financial oversight systems;
- Ambiguity in defining the responsibilities of the different security services hence allowing outside intervention in internal affairs and frequent duplications of duties. It also provided opportunities for each of these agencies to establish its own active armed forces whose purpose is to act, intervene, arrest and detain. This, of course not only requires large logistical and financial assets, but also opens the door to lack of transparency, funding and oversight, and to lack of constitutional and social accountability;
- Politicization of high level positions in the security establishment, especially since most high positions were awarded to members of the same faction;
- Incompetent staff with little training, which affected the quality of the overall performance;
• Lack of ability to provide modern logistical requirements.

Reform: obstacles encountered

The status of the PNA became clear to international parties, especially to its rival Israel. Israel viewed the PNA as weak and unable to control the security services. This was due to the situation whereby interferences and pressures are compounded by the presence of militias and armed forces operating under various names, but are affiliated to and take their orders from the various Palestinian factions. To name a few, al-Aqsa Martyr’s Brigade, al-Quds and Izzedin al-Qassam Brigades, etc. Thus the central authority (the PNA) is not the center of power. In return, the security establishment lost its standing, legitimacy and role within the Palestinian society.

In parallel to the abovementioned, the Palestinian central authority (PNA) not only lacked sovereignty, it also found itself with institutions that are not fully developed such as the legislative and judicial institutions who are responsible for the oversight and evaluation of all other institutions. This weakened reform efforts initiated by the Government, the Legislative Council and the international community transforming these initiatives into isolated activities with limited impact.

Among the parties involved is the European Union, both as Commission and individual countries, such as Great Britain and Spain. Also the United States and a number of Arab countries, like Jordan, were included who trained special units of the Presidential Guard. In Moreover, Egypt, with its direct involvement in the restructuring of the various apparatuses in Gaza was part of this involvement. On the other hand, international agencies such as the UNDP, helped secure logistical needs, computers, and basic equipment, including vehicles, clothing, building headquarters and providing field communications.

Security leaders: a tool or an obstacle to reform

Leaders of the security establishment did not only play a negative role in the reform process, but became the obstacle itself. Their forming of a coalition and supporting those loyal to them in their respective agencies became difficult to infiltrate for reform purposes. The conclusion by the reformists was that there could be no reform of the security establishment as long as those who constitute an obstacle, the leaders, to the process are still in power since the constituted the problem rather than the solution. This conclusion was based on the leader’s refusal to provide basic information, like numbers, distribution, assets, expertise and requirements to parties of reform.

The Arafat era: reform of the security establishment

Up until 2003, President Arafat had refused to use the word “reform” preferring, at the best of times, the word “development”. This in itself reflects the absence of a will to change which stems from a lack of conviction or recognition that there is a problem, or a wrongdoings, that need to be resolved.

President Arafat resisted, in principle, the Legislative Council’s right to discuss the security establishment’s budget, or hold any of its leaders accountable by its committees. This reflected the President’s view and vision of the security establishment’s place in His political system; namely that it should be under his personal control, and therefore was dead serious when he said, “no one can intervene between me and my children.”

Arafat saw the security establishment, and its potential, as a direct and personal monopoly of a basic tool of power first in the fight against Israel and, second, in warding off his opponents. This was a fact reflected in its form, number of agencies, its reference, personality of its leaders and the direct and indirect roles they play. As a matter of fact, Arafat copied this model from a number of
traditional Arab regimes, mainly the Egyptian, Syrian and Tunisian.

At the same time, Arafat maintained his rejection of the Palestinian Basic Law, drafted by the Legislative Council, until 2003; the law was adopted after his death in 2005. The Law’s key provisions, relevant to the separation of powers, favour a democratic parliamentary systems based on set of doctrines that include, among which, an equilibrium in the separation of powers, and a rule of law that ensures that the executive authority does not behave arbitrarily in a state that monopolises armed power, and subjects it to oversight. The Basic Law also relies on the principle of peaceful exchange of Power in addition to having an active and independent judiciary system that has the right to review all administrative decisions. This includes security related decisions, and on the respect for human rights, basic freedoms and man’s dignity, within a framework of political pluralism. The Basic Law also indicated the need for a specific law that would regulate the work of the security establishment (rejected by Arafat).

Failed start

The Legislative Council yielded to President Arafat’s policy of ignoring suggestions, reports and recommendations submitted to him regarding the security establishment. This was true even when there was contradiction between the provisions and objectives of the Basic Law, and the vision and work ethics of Arafat himself; (characteristics and practices he carried with him from exile along with what remained of the Palestine Liberation Organisation (PLO) and its cadres).

In addition, the security apparatus had to deal with specific tasks imposed by the various peace agreements between the PLO and Israel. The Council submitted several reports calling for reform of the security establishment, after investigating the negative image projected by some of its leaders beset by financial corruption, mismanagement, poor abilities and inefficiency, not to mention the lack of technical requirements related to performance, like management, training, weapons and equipment.

The Legislative Council also drafted a collection of laws, based on the Basic Law itself, to overcome overlapping of duties and jurisdiction of the security agencies as well as the restrictions imposed on each agency and its members.

The Council emphasised the importance of creating a special institutional reference/framework to oversee the security agencies administrations, and delineate policies relevant to the number of staff in each agency; the nature of individuals affiliated to it, ways and means of evaluating them, their ranks and salaries, as well as an internal monitoring system of the employees and their performance. It recommended that the institution develop a proper mechanism to guarantee the compliance of those who work in the establishment with political decisions and to be held accountable to the official state institutions. It also recommended that security strategies be entirely clear and ethical, since that would constitute the bases and guidelines for the conduct of the staff and members of the establishment.

Despite the Legislative Council’s recognition that some of the information related to the security establishment is classified, it nevertheless does not conflict with practices based on transparency and accountability by the establishment; the lack of which had fostered opportunities for some corrupt leaders to reap illicit benefits. The Council’s reports referred in particular to interferences by some security agency directors in the private lives of citizens; and investments, under various pretexts. The most notorious justification was the need to find private sources of funding for the functioning of the agency hence damaging the credibility and legitimacy of the concerned agencies, among the public.1

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1 In most of the corruption cases dealt with, names of individuals working for the security sector have surfaced.
Based on the above, the Council requested that the security budget be part of the general budget.

The most important decisions taken by the Legislative Council regarding reform of the security sector are the following.

Duties of the General and the National Security Forces:

- Protecting the citizen, as well as the private and public properties of the people, enforcing public order in accordance with the law;
- Issuing a law or a set of regulations based on the provisions of the Basic Law and other relevant laws, containing principles and guidelines that govern the work and duties of the security establishment and conditions for joining the service, as well as specifying each agency’s prerogatives and domain, to avoid overlapping and duplication;
- Limiting heads of security agencies to a four-year term in office;
- Reducing the number of security agencies, unifying those with similar mandates and having them become subject to civilian authority (Minister of the Interior) and to oversight by the Legislative Council;
- Establishing a Higher National Security Council, headed by the President, for the purpose of monitoring and supervision of security agencies and institutions;
- Forbidding the security agencies and their officials from interfering in the political, social, and media domains, except as allowed by law and the agencies specific mandates;
- Forbidding security agencies and their officials from working in all economic and civilian domains, except as permitted by the law; and commissioned by the political leadership.

Reform during the premiership of Mahmoud Abbas, and under the presidency of Yasser Arafat, included the following:

- Restructuring of the Interior Ministry and upgrading its services in a manner to better suit the requirements of the time;
- Annexing the Preventive Security, Civil Police and Civil Defence Forces to the Interior Ministry, with the latter assuming responsibility for all internal security issues according to the laws in effect;
- Activating the role of the Interior Ministry and its agencies in implementing judicial decisions;
- Prioritising the people’s need for security, order and respect for the rule of law, and adopting measures that respond to their expectations and demands, according to the law;
- Addressing negative manifestations that reflect lack of self-control and social restraint by the security forces;
- Reinforcing the principles of loyalty to the PNA, and to the security service as a profession, based on the sense of national pride;
- Raising the public’s awareness regarding the various necessary measures, to ensure its understanding, cooperation and support.

**Reform achievements: limited and delayed**

After Hamas took control of the Gaza Strip, the security sector reforms continued unabated in the West Bank, under the guidance of President Mahmoud Abbas, Prime Minister Salam Fayyad and Interior Minister Abdel-Razzaq al-Yahya. Among
these reforms was the integration of the security apparatuses into three groups:

- **Internal Security**, which included the Police, Preventive Security and Civil Defence forces;
- **External Security**: this included the Intelligence agencies;
- **National Security**: This involved the integration of the National Security, Presidential Guard, Military Intelligence, Military Police and Military Liaison Forces, and the dissolution of the Special Security and Special Forces units.

At the capacity building level, new cadres were trained locally (in the West Bank) as well as in Egypt and Jordan. Also logistical support was upgraded including the rebuilding of headquarters, ensuring the availability of budgetary allocations and salary raise for employees, particularly the police cadre and its affiliated support units. Moreover, a number of young staff members were added to the roster of employees and assigned leadership positions replacing the traditional old guard. Administrative and financial oversight by the Finance and Interior Ministries were strengthened and direct relationships between a number of services and donors were terminated. This meant ending direct support and intervention by a number of countries, mainly the United States and Great Britain.

In general, reforms are proceeding presently at a very slow pace despite President Mahmoud Abbas’ serious desire for reform. The ability to do more is limited by many factors that include but not limited to: the absence of a comprehensive vision and collective work, absence of the Legislative Council, lack of participation by civil society, presence of a political opposition and by conflicting regional and international pressures; and finally the Israeli Government’s attitude, and Defence Minister Barak’s opposition to the reform process as seen by the Palestinians.

### Civil society: role and initiatives to the reform process

Up until 2002 and the onset of the second Palestinian intifada, a number of human rights organizations called for an end to human rights violations committed by some individuals who work with the security establishment. The Intelligence agency, Preventive Security and Military Intelligence Forces were among the few. The Palestinian Independent Commission for Human Rights played a pioneering role in this domain. Other similar organisations joined in when the personal and public safety of the population deteriorated after 2002, due to local armed groups taking the law into their own hands and threatening the very fabric and security of Palestinian society.

Several human rights organisations in the West Bank and Gaza called upon the PNA to put an end to the armed chaos, and restructure the security establishment within the context of an overall reform programme for the PNA. This actually took place upon the formation of the first National Committee for Reform by the PNA, after President Arafat’s visit to the Legislative Council, where he admitted that there were shortcomings and corruption in the PNA administration. He expressed his willingness to introduce reform and asked for the Council’s help. The council came through very quickly with a comprehensive reform plan that included a number of recommendations regarding reform of the security apparatuses.

However, since President Arafat was at the time engaged in difficult negotiations with representatives of the international community and Israel, the result was an overlap of internal and external demands for reform.

The Council’s recommendations at the time centred round integrating a number of the security agencies under the jurisdiction of the Interior Minister. The recommendations aimed at clarifying each agency’s prerogatives, ending the overlapping of responsibilities and issuing laws regulating
each agency’s activities. However, in the memorandum drafted by their representatives to the Committee for National Reform, headed by President Mahmoud Abbas, civil society activists referred to a number of conceptual issues (after amending the Basic Law to create the post of prime minister, which entrust him with the task of monitoring of the internal security and the integration of the Preventive Security, Intelligence and Civil Defence agencies to the Interior Ministry). The issues in question included the need for national consensus relating to the role and responsibilities of the security agencies and putting an end to their interferences in the political and social lives of citizens. They also included the security establishment’s need for more professionalism and accountability, submission of their budgets to the Legislative Council for review, rotating top officials regularly and making them subject to the political authority.\(^2\)

The National Committee for Reform did not discuss the above issues until late 2004, when the Government of Ahamd Qore’a came to office following the death of President Arafat. In 2006, Hamas won the elections through a fair and transparent procedure. Consequently, President Abbas transferred the civilian authority to the party, thus officially requesting it to form new government. It became clear that the peaceful transfer of power was burdened with serious problems and complications. The most important among these was that certain security officials, mostly members of Fateh, were refusing to cooperate with the process. This was the start of a new arena of internal conflict hence aborting the peaceful transition of power. Their actions also caused the failure of the principle of division of positions among the different political parties within the security establishment created to avoid party rivalry over power within the institution. This prompted civil society institutions to increase their calls for reform of the security establishment with focus on neutrality, professionalism and the need for consensus around their respective responsibilities, as basis for their legitimacy. All the Palestinian groups accepted the above initiatives, save Fateh and Hamas.

Among civil society’s most important actions was a paper by the Muwaten, a Palestinian NOG, written by Dr. Azmi al-Shu’aibi with the participation from Drs. Ahmad Abu Diyeh, Ali al-Jarbawi, and Mr. George Hasboun. The paper highlighted the most important issues that earned national consensus, as basis for the security establishment reforms.

The Transparency Palestine-AMAN made the following recommendations on transparency in the Security Sector’s management:

- The budget should be prepared according to the provision of the General Budget Law, No. 09 for 1998 and its amendments, and subject the preparation process to an oversight according to legal provisions in effect;
- Security agency’s prerogatives should be specified and based on a special law regulating activities, unifying the legal framework governing the entire military establishment hence unifying under a single legal umbrella to avoid contradictions on the ground;
- The Cabinet is to be in charge of all the security services and of oversight of their work, including leaders of the military establishment;
- To issue by-laws relevant to the special Law on Service in the Security Forces, especially concerning appointments, promotions and punishments;
- To review seriously all rules relevant to appointment in the security services, curb the unjustified exponential increase in the size of different Palestinian security agencies to reduce the financial and administrative burden of PNA’s

\(^2\) See the paper presented by Azmi al-Shuaibi’s in the name of the Civil Society for National Development and Reform, www.aman-palestine.org.
overloaded general budget, and delineate terms of reference for all security services;

- To review all bases for promotions and issue executive by-laws in this regard, without delay
- To institute a serious and effective complaints system and make it available to the public, follow up on all complaints and attach the complaints bureau to the office of the Interior Minister, the Presidential Office and the Prime Ministry;
- To institute an effective oversight system, including bases on which appointments in the security sector are made, and a system of accountability that also includes leaders of security services;
- The security establishment should open registries of conduct to monitor the behaviour of security service leaders, staff members, officers and non-commissioned officers;
- To institute a system that obliges security service officials and directors to honour the debts they owe;
- To limit heads of security agencies to four year terms in office.

New concepts filtering into the security service reform process

Although the security establishment has become a wide and bloody arena of conflict, whereby the PNA is in firm control of the West Bank and Hamas of the Gaza Strip, and despite the retreat in democratic reforms and in the respect for human rights, calls for dialogue, reforms and reconstituting the security sector according to set principles, have intensified.

First: Neutrality of the security establishment

The security services and their officials should not intervene in favour of one faction against the other. This is a fundamental principle that underlies the peaceful transition of power, and a vital tenet of democracy. As long as partisan leaders of different security services, who owe their loyalty to one faction or another, are still in their positions, the stability of the security sector would be in jeopardy and its legitimacy and credibility, as an institution dedicated to serving the nation, would be grievously harmed.

Second: Professional conduct of security staff members

The security establishment should be reconstituted along professional lines, be subject to civilian authority and rules (political authority), and should carry out its political superiors’ instructions to the letter. It should not interfere in political decision-making and its leaders should not assume political responsibilities, or interfere in political life, as long as they remain in their positions.

Third: Holding the security establishment accountable

There should be accountability and oversight of the security establishment and its leaders, either by the executive authority directly in charge of it, or by other concerned oversight bodies like the Legislative Council and the Financial and Administrative Oversight Bureau.

Fourth: A Basic Law for the security establishment

The legal framework organising the activities of the Palestinian security establishment needs to be clarified further through the adoption of Basic Security Law. For despite the different by-laws regarding service in the security sector and retirement benefits for its staff members, and despite the General Intelligence and Preventive Security Service Laws, these services still function according to administrative guidelines and decrees.

Fifth: Ability, professionalism and regular changes in leadership

- New yardsticks should be adopted for the selection of security service staff members, based on ability and professionalism rather than political,
religious, ethnic or sectarian affiliation.

- Leaders of security services should be changed on a regular basis, with input from the executive and legislative authorities, and should be subjected to oversight by the legislative authority.

Sixth: The security infrastructure

An appropriate infrastructure for the security establishment should be delineated, relying possibly on blue-prints developed by civil society institutions that recommend the integration of similar services, and specification of their respective prerogatives and frameworks, in the following manner:

The Internal Security Service, made up of the Police, Preventive Security and Civil Defence Forces. Their responsibilities would include:

- Safeguarding general security;
- Safeguarding the citizens’ safety, freedom and personal possessions;
- Providing direct assistance in civil defence, rescue and fire-fighting operations.

The Internal Security Service should fall under the jurisdiction of the Interior Minister, who is, himself, answerable to the Cabinet, therefore subject to the political authority represented by the Government and accountable to the Legislative Council.

General Intelligence (External Security): This service would be responsible for gathering information relevant to the country’s security, according to legal provisions in effect and without trespassing on the citizens’ basic rights and freedoms. It should submit reports and evaluations as requested by the political authority, and be placed under the jurisdiction of the President or the Prime Minister.

National Security: It involves different military units including the Special Forces, National Security Forces and the Military Police, and is considered the nucleus of the National Army. Its responsibilities include defending the country against foreign aggression, and should be place under the jurisdiction of the Prime Minister.

Seventh: National funding, transparent revenues and oversight on expenditures

- The security sector should have its own special budget that conforms to the provisions of the law, and its allocations remitted on a regular basis. A mechanism for expenditures should be put in place to guarantees oversight by the Finance Ministry, and random self-financing operations should end.

- Security agencies and their directors should not be allowed to levy funds from citizens, contact foreign parties except if mandated by the concerned authorities or according to the provisions of the law, establish their own executive force or maintain prisons outside the framework of the law.

- Salaries of Police officials responsible for implementing the rule of law and maintaining public order should be raised (including Traffic Police, Anti-Crime and Anti-Narcotic Forces, and Personal Guard for individuals, public institutions, investigations, etc.)

Eighth: Comprehensive reforms

One cannot talk about real achievement in the security reform domain without initiating parallel reforms in other PNA sectors. Chief among these is the clear separation of powers involving an effective legislative authority, an independent judiciary and an executive authority that practices good governance, and is accountable to the public.

Recommendations and conclusion

It is sound to assume that any comprehensive reform process, in a sector as important as that of security, cannot possibly succeed without there being a national strategy and a plan of action whose objectives are a matter of national consensus, to legitimise the work and activities of the security service.
It is important to discuss this national plan, and help it mature in full view of the public, with wide participation from various social stakeholders, including the opposition, before its adoption by the country’s political authority, provided stages of its implementation are evaluated nationally, and on a regular basis. Based on that, and specific to the Palestinian context, in order to avoid unwelcome foreign interventions a continuous and comprehensive reform strategy, involving the entire security sector, should be developed within a political context that takes into account various dimensions of the conflict with Israel. There is also need for an agreed upon national strategy, developed in the presence of various Palestinian political and social stakeholders, before its adoption by the country’s political authority. The strategy would delineate the role and priorities of each concerned party, given its status as a national political issue par excellence, including the relationship between the security establishment and the political authority, based on its neutrality and submission to both the executive power and oversight, review and accountability by the legislative and judicial authorities. The security establishment’s technical and professional needs would be taken into account (i.e., specifying each service’s responsibilities, infrastructure, type of cooperation between different agencies, management of its human and financial resources, training, armament, equipment, logistical supplies, activities, communications, monitoring devises, internal accountability, nature of its main leadership [Joint Chiefs of Staff] and the National Security Council.)