

# Palestinian Security: Pressing Call for Security Sector Reform

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## **Introduction:**

Security is a constant concern, an ongoing pursuit, and an abiding national interest. The expansion of security is necessary to recognise what it involves, what it means to be secure, and what one is to be secure from<sup>2</sup>. The meaning of security should be defined in relation to different sectors and levels of security such as individual, societal, cultural, and economic, as well as to the political-military sectors.

Security is claimed to be expanded to cover the totalising necessities of statecraft and the sovereign power in a state of emergency. However, states are not the only referent objects of security. Civilians are mostly victims of security threats such as military attacks, which undermine their safety and stability. Thus, the need for human security results from a set of political, military, societal, economic, and environmental threats directed towards human lives and dignity. Human security can be described as a condition under which human dignity and the meaningful participation of society can be combined<sup>3</sup>.

This is exemplified in the Palestinian case where civilians are habitually the main victims. Political instability in Palestine, particularly in the last two decades, has negatively affected the security of the Palestinian people. The Palestinians lack the vital core of human security including freedom, personal safety and stability, and political and civil liberties. Palestinian society is largely threatened by activities which are taken by the Palestinian Security Services (PSS) and by the Israeli army. These activities create societal threats where divisions exist as a result within the society and recurrently end in domestic conflicts.

This article is a combined study of two topics, security and security sector reform in Palestinian autonomous areas following the establishment of the Palestinian Authority in 1994. It highlights challenges to security sector reform in Palestine.

## **Human Security:**

National or state security had dominated security policy in the nineteenth and twentieth centuries. Security in its traditional concept was subjected to thought and analysis of internal security threats (activities within the state boundaries) and

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<sup>2</sup> Buzan, B. (1991B) New Patterns of Global Security in the Twenty-First Century. *International Affairs*, 67(3), 431-451.

<sup>3</sup> Thomas, C. (2000) *Global Governance, Development and Human Security: The Challenge of Poverty and Inequality*. London: Pluto Press.

external threats (arising from the aggressive behaviour of other states). Nevertheless, the distinctions between internal and external threats have been relatively ambiguous. Crime was largely seen as a domestic concern which reflected criminology and justice studies, while external threats which emanated from inter-state conflicts reflected the security or strategic studies<sup>4</sup>. Recently, the centre of attention within security studies has shifted towards human security in the twenty-first century, regardless of gender, race, religion, ethnicity, or other characteristics<sup>5</sup>.

The impact of individual security is fundamental to the understanding of human security. Individual security is the basic unit in which the concept of security can be applied<sup>6</sup>. Human beings provide the major source of threat to each other, therefore individual security takes on a wider perception in societal and political dimensions. This leads to questions about the nature of the state and the connection and contradiction between human security and the security of the state<sup>7</sup>.

Security of an individual human being cannot easily be defined. Security is applicable more to things than to people. Materials can be replaced and can be enhanced by insuring them against loss. Meanwhile, life, health, status, wealth, and personal freedom are complicated and all of them cannot be replaced if loss occurs. It is difficult to distinguish between subjective security (feeling safe), objective security (being protected from danger) and confidence in one's knowledge (being free from doubt). Threats are vague and the feeling of safety is not always real. Comprehensive security of individuals is beyond the possibility of attainment. Threat, doubt and danger loom over everybody. Some people can distance themselves from some threats, but they are sharing different kinds of dangers with other people, thus security cannot be complete for anyone. Efforts to achieve comprehensive security can be self-defeating, even if objectively successful. Undertaking more measures to achieve security would raise awareness of threats and increase feelings of insecurity. Buzan<sup>8</sup> used the example of an urban householder's efforts to burglar-proof his house. Locks and alarms amplify the magnitude of the threat by advertising to burglars the presence

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<sup>4</sup> Lutterbeck, D. (2004) Between Police and Military: The New Security Agenda and the Rise of Gendarmeries. *Journal of the Nordic International Studies Association*, 39(1), 45-68.

<sup>5</sup> Alkire, S. (2002) Conceptual Framework for Human Security: (Excerpt: Working Definition and Executive Summary) In: *Prevention and Resolution of Conflict* Shimane, Japan.

<sup>6</sup> Buzan (1991), p.35

<sup>7</sup> Berki, R. N. (1986) *Security and Society: Reflections on Law, Order and Politics*. London: J. M. Dent & Sons Ltd.

<sup>8</sup> Buzan (1991), p. 36, 37

of valuable possessions, which leads to a loss of tranquillity for the householder. The final point of obsessive security would be attached to paranoia.

The contradictions between individual and state security led to the question of human rights, which rose to international prominence during the 1970s and 1980s<sup>9</sup>. As it became an international issue, individual security became part of the national security problem in many states. It is possible for individuals to enhance or improve their security against threats from the state or against threats which the state failed to alleviate through many kinds of organisations. They can be militant political groups, minority rights groups, peace organisations, political parties, human rights organisations, environment organisations and almost the whole sub-state organisations encompassed by the notion of pluralism. In states where the structure of government is weak, families, clans, tribes and religious organisations play a central role in relation to human security.

In general, the state, through its institutions, plays the major role of responsibility towards the fulfilment of security of its citizens. The state has three categories of institutions which are responsible for the delivery of security: “a) Groups with a mandate to wield the instruments of violence – military, paramilitaries and police forces; b) Institutions with a role in managing and monitoring the security sector – civilian ministries, parliaments and NGOs; and c) Bodies responsible for guaranteeing the rule of law – the judiciary, the penal system, human rights ombudsmen and, where these bodies are particularly weak, the international community”<sup>10</sup>. These organisations represent a security sector in every state. A poor organisation of the security sector can create a conflict and perpetuate a societal division in the course of human rights violations. A better transformation of the security sector can bring individual and collective stability.

## **Palestinian Security:**

Security has no precise definition. It is an elastic perception, and varies according to different societies in different situations. Security, however, includes two dimensions, physical, being a condition or situation, and psychological, that security is perhaps a state of mind. Security in the broadening perspective is an integral concept with

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<sup>9</sup> Vincent, R. J. (1986) *Human Rights and International Relations*. Cambridge: Cambridge University Press.

<sup>10</sup> International-Alert (2002) *Towards a Better Practice Framework in Security Sector Reform: Broadening the Debate*: Netherlands Institute of International Relations 'Clingendael', 1-17. p.1

military, political, societal, economic, and environmental dimensions. Recently, human security, a growing theme in the field of security, has significantly increased the interest in the core values of human beings and methods of preserving them. This understanding is at the heart of Palestinian insistence on exercising self-determination in the form of a sovereign state to preserve their security. Nonetheless, Palestinian requirements of security have rarely been debated within Palestinian society. Hence, no definition has been agreed concerning Palestinian security. Furthermore, only a few Palestinian scholars have written about achieving security for Palestinian society. Falah & Newman<sup>11</sup> suggested two reasons why Palestinian security needs have not emerged as a central focus for debate. First, the Palestinian political discourse has not focused on the struggle for statehood and on ensuring the population's determination about their ultimate fate. Second, while Palestinians focused on individual and family security, Israel has focused on national and statehood security. The Israelis understood that these take prominence in terms of international perceptions. In contrast to Falah & Newman, this document argues that Palestinian existential security, for most Palestinians, is predicated on achieving a sovereign Palestinian state, which has been seen by many Palestinians as a necessary precondition for regaining control over their destiny. For the Palestinians in the Diaspora, Palestine was and still is the national home of the Palestinian people from time immemorial. Palestinian security concerns, accordingly, are both national and personal, stemming from the Israeli occupation and its consequences. For Sayigh<sup>12</sup>, a Palestinian-Israeli peace agreement could offer a comprehensive security package for both sides through security arrangements in which Israel territorially and politically concedes to the Palestinians. Consequently the establishment of a Palestinian state would reinforce mutual security and stabilise relations between the two peoples.

The Palestinian perception of security has been developed, in contemporary history, over three phases:

The *first* is the historical experience of increased insecurity as the Palestinian community went from being the majority in Palestine to becoming a minority which had the increased imbalance of power where visible occupation forces exerted control

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<sup>11</sup> Falah, G. N., D. (1995) The Spatial Manifestation of Threat: Israelis and Palestinians seek a Good Border. *Political Geography*, 14(8), 689-706.

<sup>12</sup> Sayigh, Y. (1995) Redefining the Basics: Sovereignty and Security of the Palestinian State. *Journal of Palestine Studies*, xxiv(4), 5-19.

over most facets of everyday life. The doctrine of armed struggle, after the founding of the PLO in 1964, was the first to challenge the territorial status quo. The Palestinian Liberation Organisation (PLO) sought secure bases in Arab countries to pursue operations against Israel, meanwhile recruiting Palestinian individuals in occupied Palestine for the same reason. Palestinians in occupied Palestinian territories and in the Diaspora, however, were not assured of personal security. In 1974 the Palestinian National Council (PNC) proposed a national authority in parts of Palestine initiated on the basis of a two states solution, and this was endorsed by the PNC in 1988. Therefore, the PLO strategy evolved from armed struggle to diplomacy. The concern of the Palestinian leadership henceforth was to gain international recognition of the Palestinian right to sovereignty.

During the Israeli occupation of Palestine, the absence of security for individual Palestinians was evident across a wide range of daily activities, physically, legally, economically, and socially. These personal security concerns were compounded by the lack of any effective means of legal protection or self-defence against the occupation's unrestrained behaviour. This situation was exacerbated during the first Palestinian Intifada of 1987.

The *second* phase of development began with the signing of the Oslo Agreement. The apparent Israeli peace process resulted in apartheid, and the Israeli-Palestinian peace agreements were based on an imbalance of power and not on international legality and fairness. Israel succeeded in convincing a politically and financially bankrupted PLO to engage in a direct bilateral relationship where Israel would have the upper hand. Israel's dream came true in Oslo. It turned into a nightmare on the Palestinian side under the Israeli dedication to security. Israel utilised the process by transferring its direct military occupation into indirect domination over the Palestinians through constraints on the Palestinian Security Services. Strategic and tactical security will remain a major consideration of any settlement for Israel. Therefore, Palestinians have been greater victims of Israeli armed actions than vice versa.

Palestinian security requirements were considered by Palestinian scholars in anticipation of the onset of Palestinian autonomy. There was a quest for a sovereign Palestinian state with the ability to control its own destiny, providing a homeland for its people. Nonetheless, Palestinian security requirements were marginalised by Israel and the Palestinian Authority. Besides, there was no answer in the Israeli-Palestinian agenda on final status negotiations for promoting Palestinian security in the long-

term. This resulted in insecurity for the Palestinian people as the peace process aimed at achieving Israeli security.

Most Palestinians viewed the Palestinian Authority and its security forces, in the aftermath to the signing of the Oslo Agreement, as the producer of security. However, this feeling soon disappeared, primarily after the outbreak of the September 2000 Intifada. The Palestinians who supported the peace process at an early stage reconsidered it as unjust to the Palestinian people.

The *third* phase of Palestinian security began in September 2000 with the outbreak of the al-Aqsa Intifada, which revealed the deception of the so-called peace process and the dishonesty of the Palestinian Authority. Many Palestinians turned their support towards opposition Palestinian groups. The Israeli government used its military to eliminate Palestinian resistance by crushing the Intifada when the diplomatic process failed. Israel applied more force when initial force failed in achieving the necessary objectives. The Palestinian social system, mainly the family structure, was strengthened after the outbreak of the uprising. However, the whole system gradually collapsed in the following years. The effect on the Palestinian people extended to include, in addition to physical injuries and economic deprivations, an increasing number of Palestinians suffering from post-traumatic stress, particularly children, who were expected to be the future Palestinian leaders. Therefore, they needed a long process of rehabilitation. Women were usually the perfect target for their husbands' aggressive acts after their release<sup>13</sup>. The same treatment from the father would be directed towards the children, who, in turn, will transmit their trauma to their own children in the future. Many of the children were deprived of proper education or experienced lost years in their regular education and they need to be re-educated. These are some of the serious elements challenging the relationship between the people and the authority<sup>14</sup>. Therefore, the trauma of the Palestinian people needs to be addressed in order to reconstruct the society and necessitates rehabilitation of most of the population. The democratisation of Palestinian society will be a difficult process since the people have reached their lowest point of security. However, developing

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<sup>13</sup> El-Sarraj, E. (1997) Mental Health Challenges for the Palestinian Authority: The Psycho-Political Legacy of the Intifada. In: *The PLO and Israel: From Armed Conflict to Political Solution 1964-1994*. (Ed, Sela, A., & Ma'oz, M.) London: Macmillan Press Ltd, pp. 163-169.

<sup>14</sup> Qouta, S., Punamaki, R., & El-Sarraj, E. (1995) The Relationship between Traumatic Experience, Active and Cognitive and Emotional Responses among Palestinian Children. *International Journal of Psychology*, 30289-304.

democracy is the next struggle in the building of the society including the process of establishing a new kind of leadership<sup>15</sup>.

It is worth mentioning that Palestinian security has been severely damaged by the American administration's powerful support of Israel, particularly after the 11 September 2001 attacks on the United States. This has further added to the state of insecurity prevailing in occupied Palestine. The Palestinian people have also felt victimised by the outside world. They feel helpless and this reflects despair, manifested by a cycle of defiance and anger. A feeling of helplessness can lead to fanaticism. Once one becomes fanatic one begins to believe that a religious ideology is needed to construct personal concepts of life and the hereafter. El-Sarraj<sup>16</sup> said: "Despair and helplessness, widespread in Gaza, especially among the young, are important reasons for the increased strength of the Islamic movement there."

### **Palestinian Security Services (PSS):**

The Palestinian Authority was established as an autonomous entity in the Gaza Strip and Jericho city in 1994 following the signing of the Cairo Agreement. Most administrative responsibilities were transferred to the Palestinian Authority in Gaza and most of the West Bank cities according to the September 1995 Interim Agreement (Oslo II). The status of the Palestinian Authority primarily focused on its developing judicial system of prosecution and internal security. Pinzler<sup>17</sup> said: "The Palestinian Authority does not preside over a country in the traditional sense, but over the creation of a document that allows the Palestinians to have administrative responsibility for well-defined pieces of land." However the Palestinian Authority tried to appear as a highly characterised state - holding a ministerial weekly meeting, making a range of announcements including tax matters, competition for civil service positions, exhortation to citizens to pay electricity and telephone bills, and warning against unauthorised buildings. Frisch & Hofnung<sup>18</sup> believe that the Palestinian Authority, although without a foreign ministry, managed to conduct more foreign policy initiatives and be visited by more world leaders and officials than a state in the period of 1994-2000. Palestinians had their first election in January 1996 which

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<sup>15</sup> El-Sarraj (1997)

<sup>16</sup> *ibid*, p.166

<sup>17</sup> Pinzler, W. M. (1995) *The Columbia Journal of World Business*, 34-41. p.34

<sup>18</sup> Frisch, H. H., M. (1997b) *State Formation and International Aid: The Emergence of the Palestinian Authority. World Development*, 25(8), 1243-1255.

consisted of 88 members for the Palestinian Council and the Chairman of the Palestinian Authority.

Regardless of whether the Oslo Agreement (1993) was a positive or a negative development, it gave birth to the Palestinian Security Services, a new player in the Israeli-Palestinian conflict. The PSS included many Palestinian Liberation Army veterans, who had to adapt to a law enforcement body. “The army of the Palestinian Authority is presently a complex, multifaceted apparatus consisting of at least a dozen different branches with overlapping responsibilities”<sup>19</sup>.

Under the Cairo Agreement a ‘Police Force’ under the control of the Palestinian Authority was established consisting of four branches: Civil Police, Public (National) Security, Intelligence Services, and Emergency Services, in addition to the ‘Coast Guard’ subordinated to a single command<sup>20</sup>. The Palestinian Police under the Oslo II Agreement was extended to include seven forces: in addition to the above services the Preventive Security Force and Presidential Security Force were formed.

Luft<sup>21</sup> refers to the Palestinian Police as the Palestinian General Security Services (GSS) defining this as “the umbrella organisation nominally responsible for co-ordinating and maintaining most of the Palestinian security bodies and services—it includes not only police but also intelligence organisations.” There were nine administrative departments responsible for training, logistic, communication, finance and political guidance under the GSS. According to the Oslo Agreement the GSS should be the highest authority under which other services would operate. However two additional services operated directly under Arafat’s command (the Presidential Guards and the Special Security Services). Moreover two separated headquarters of the GSS had been functioning independently in the West Bank and the Gaza Strip.

The Palestinian Authority had the right of creating security forces in accordance with the Oslo and Cairo Agreements which allowed six security services to appoint up to 30,000 officers. However the number of forces, following the Oslo II Agreement, had reached twelve. According to an official UN worker, whose task was to co-ordinate

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<sup>19</sup> Luft, G. (2002a) The Palestinian Security Forces: Capabilities and Effects on the Arab-Israeli Military. *NATIV a Journal of Politics and the Arts* [www.acpr.org.il/nativ/2002-1/2002-1-luftxs.htm](http://www.acpr.org.il/nativ/2002-1/2002-1-luftxs.htm), 15(1 (84)).

<sup>20</sup> Weinberger, N. (1995) The Palestinian National Security Debate. *Journal of Palestine Studies*, xxiv(3), 16-30.

<sup>21</sup> Luft, G. (1999) The Palestinian Security Services: Between Police and Army. *Middle East Review of International Affairs (MERIA)* available from <http://www.biu.ac.il/SOC/besa/meria.html>, 3(2).

the allocation of donor money for police salaries, the number of security personnel on the Palestinian Authority's payroll in December 1994 grew to 13,000 and increased to 22,000 in August 1995. A force of 4,000 officers was to be transferred to the West Bank after the signing of the Oslo II Agreement in addition to 8,000 to be recruited under this agreement. Therefore the number would reach 30,000. Ghazi Jabali, the head of the Palestinian Civil Police, said in June 1995 'the Palestinian Authority would eventually require 40,000 policemen for the autonomy'<sup>22</sup>. In an interview conducted by *Al-Quds Al-Arabi* (London) on 25 April 1997 with Muhammed Dahalan, chief of the Preventive Security Force in the Gaza Strip, he stated, "We have 36,000 people of whom we only need 10,000. This huge number is a burden on the Palestinian Authority and a burden on the security organ. We view it as a social issue because I cannot tell a prisoner who has spent fifteen years in jail that I have no job for him." He added: "I believe that there are more apparatuses in name than in reality." The number of police and security officers had been growing. However, he agreed with others on the number of security forces as twelve.

Said (1995)<sup>23</sup> stated that Arafat established several security forces, five of them were intelligence services all spying on each other. Thus, the proliferation of the security apparatus was a manifestation of Yasser Arafat's style of leadership.

### ***Responsibilities of the PSS:***

The Israeli-Palestinian peace agreements and the creation of an autonomous Palestinian Police did not change the uncertainty of the status of the Palestinian people. However, the Palestinian Police had played a significantly protective role in the aftermath of their establishment. They had given back to Palestinian cities a certain degree of order and normality. Parents were no longer anxious to let their children go to school, and people could circulate at any time of the day and night. These few areas of progress were far from insignificant if one keeps in mind the Palestinians' urgent need for security after 27 years of military occupation. These achievements, though, only benefited the population of the Gaza Strip and part of the West Bank, while the rest were still directly controlled by Israeli military

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<sup>22</sup> Usher, G. (1996b) The Politics of Internal Security: The Palestinian Authority's New Intelligence Services. *Journal of Palestine Studies*, xxv(2), 21-34.

<sup>23</sup> Said, E. W. (1995a) *Peace and its Discontents*. London: Vintage.

administration<sup>24</sup>, since the peace agreements politically and legally restricted the Palestinian Authority, particularly the divisions of power into Areas A, B and C<sup>25</sup>. This affected the protection of the Palestinian citizens dependent on their residence. Palestinians were still subjected to Israeli control and settlers' attacks. This was critical when considering Palestinian policing.

The Palestinian Authority failed to deliver a better situation for the Palestinians in terms of security, economy and quality of life. In the Black Friday<sup>26</sup> occurrence the PSS fired live ammunition at civilians which broke the taboo and added the Palestinian Authority to the club of human rights violations regimes.

The violation of Palestinian human rights by members of the PSS, in particular the Preventive Security Force, caused resentment among the Palestinian public. Their methods included extrajudicial punishment, abduction of residents from their homes, lengthy detention without judicial scrutiny and the use of harsh torture techniques. At least 12 Palestinians died in custody in PSS prisons between 1994 and early 1997. Some security members conducted policing action without lawful authority and their activities were subjected to no judicial review. This policy extended to the collection of tax from people and the arrest of individuals and demands of payment for their

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<sup>24</sup> Grange, J. (1998) Palestinian Security Forces: Oslo Constraints and Search of National Legitimacy. *Maghreb Machrek Monde Arabe*, 16118-27.

<sup>25</sup> The Oslo II Agreement created areas A, B, and C to be under Palestinian, Israeli, or joint jurisdiction. The only exception was Hebron with its very small minority of Jewish settlers and a Jewish military enclave:

- Area A included most of Gaza and the West Bank cities listed above, including Jericho. These areas were completely under the governance of the Palestinian Authority except for security, water, and exits and entrances.
- Area B covered most Palestinian villages (constituted about 23 per cent of the West Bank). This area was partially under the Palestinian Authority's control, but ultimate responsibility for security was held by Israel. Area B was expected in the Oslo II agreement to eventually come under Palestinian autonomy. Police stations would be established in Area B to operate under the Palestinian Authority's rules, allowing the Palestinian Authority to help police the main village areas, near where settlements were constantly under construction, jointly patrolled by Palestinian and Israeli soldiers, with security, water, building permits, exits, and entrances entirely controlled by Israel.
- Area C was completely Israeli ruled included all the Israeli settlements in the West Bank and Gaza Strip. As in previous agreements, all authority and responsibility for the settlements remained with Israel. The future of the settlements in Area C would be determined in the final status negotiations.

<sup>26</sup> On 18 November 1994 thousands of Hamas sympathisers were about to begin a demonstration after Friday Prayer outside the 'Palestine Mosque' against the Palestinian Authority's arrest of opposition members. Clashes between the police and the demonstrators continued for several hours with rioters headed for the central police station where several police vehicles were set afire. Thirteen Palestinians were killed, apparently by Palestinian police fire, after a bloody day which was called 'Black Friday.'

release<sup>27</sup>. Human rights violations added to the many other obstructions that hampered the police-community rapprochement.

The politicisation of the PSS had widened the cleavages within Palestinian society. PSS affiliation with the Fateh movement had positioned them as a natural antithesis to other political parties. The politicisation of the PSS had also sacrificed the security of Palestinian society to strengthen the Palestinian Authority and the Fateh faction. This had affected the police-society relationship<sup>28</sup>.

The Palestinian Authority had relied on an increasingly militarised police force (military-style arms, uniforms, vehicles, and ranks) in order to carry out a prolonged suppressive strategy in order to silence criticism and dissidents<sup>29</sup>. Palestinians had been exposed to torture by the Israeli military for 27 years of occupation of the West Bank and Gaza Strip. However, no-one could imagine the day would come when they would receive the same treatment by members of their national police. The PSS gradually became a public menace. They had a free hand in rounding up people according to their political or religious beliefs rather than for proper legal grounds. Opposition activities to the peace process were criminalised and suppressed by the PSS. Consequently, the ability of the PSS to provide safety and security was questioned by Palestinian society. The PSS were accused of sacrificing Palestinian security for the Israeli system. Moreover, infighting had become a feature between the PSS agents. In some cases, members of one security force had been abducted and mistreated by another security force.

It became understandable, in late 1990s, that apart from the absence of Israeli troops from the Gaza Strip and some cities in the West Bank, material conditions had worsened. The Palestinians felt they had been let down by their authority and deceived by Israel. The Palestinian Authority failed to fulfil popular expectations. The Palestinian leadership promised the Palestinians independence and the return of the Palestinian refugees, but delivered suppression, which had not achieved total compliance within Palestinian society. Opposition groups had been unwilling to comply with the dictation of the Palestinian Police. This increased the fear of a

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<sup>27</sup> Wurmser, M. (1999) *Terrorism and a Palestinian State*. In: *A Palestinian State: Implication for Security and American Policy*. the Jewish Institute for National Security Affairs Washington, DC, pp. 15-26.

<sup>28</sup> Meyers, S. E. (2000) *Police, State & Society: The Palestinian Police & Security Forces and the Maintenance of Public Order* In: *Centre for Middle Eastern & Islamic Studies* Durham, UK: University of Durham.

<sup>29</sup> Ibid

possible internal breakdown. Palestinian society declined to resist or challenge the PSS by violent behaviour because they rejected the creation of a civil war within the autonomous Palestinian areas. Frustration at the Palestinian Authority and continuation of the Israeli occupation led to the outbreak of the al-Aqsa uprising in September 2000.

Palestinian society was subjected to collective punishment by the Israeli occupation forces, where measures more resembling a war between states were taken against the Palestinian people, including the use of tanks and air strikes against selected targets, and blocking and isolating Palestinian areas from the outside world<sup>30</sup>. The Palestinian people were trapped under closure and curfew, and denied the chance to describe the misery of their own lives<sup>31</sup>. The Israeli policy on aspects of Palestinian daily life influenced families in particular and society in general, of the numbers of dead and wounded, the rapid rise of unemployment, the deterioration of quality of life, and the massive spread of poverty, especially in the Gaza Strip<sup>32</sup>. For Said (2002)<sup>33</sup> the Palestinian people were facing a slow death. Sharon's plan for the Palestinians was isolating them into clustered ghettos over no more than 9% of historic Palestine.

The Palestinian Authority failed to articulate any leadership, political or organisational role for itself after the outbreak of the al-Aqsa uprising. It was cut into two completely isolated parts; one in the Gaza Strip and the other in Ramallah, where Arafat was unable to move from his office, the last part of his compound that was destroyed by Israeli troops<sup>34</sup>.

The Palestinian Security Services were crippled during the years of the Intifada by relentless Israeli attacks, which targeted the infrastructure of the police stations and places of detention, along with curfews and stringent restrictions on movement, all of which gradually undermined the PSS's enforcement capabilities. The Israeli government demanded and expected the Palestinian police to disarm and restrain militant Palestinian resistance groups, something that the Israeli army, the fourth most

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<sup>30</sup> Bar-On, M. (2000) The Impasse and the Alternative. *Palestine-Israel Journal of Politics, Economics and Culture*, vii(3 & 4), 15-22.

<sup>31</sup> Pearlman, W. (2003) *Occupied Voices: Stories from Everyday Life From the Second Intifada*. New York: Thunder's Mouth Press.

<sup>32</sup> Mansour, C. (2002) The Impact of 11 September on the Israeli-Palestinian Conflict. *Journal of Palestine Studies*, XXXI(2), 5-18.

<sup>33</sup> Said, W. E. (2002) Punishment by Details In: *Al-Ahram Weekly*, Online at <http://www.ahram.org.eg/weekly/2002/598/op2.htm>, 598.

<sup>34</sup> Shaik, M. (2003) Palestine: Oppression in the Name of Security In: *Green Left Weekly*.

powerful in the world, failed to accomplish. The Palestinian people were not in support of such a crackdown without a clear indication of Israeli good faith<sup>35</sup>.

Consequently, the PSS lost control of the Palestinian street. In September 2002, the Palestinian Authority Interior Minister, Abdel Razaq Yahya, told Reuters that the PSS were “facing great difficulties” in regaining control of the security situations<sup>36</sup>. The Palestinian territories were dragged into a lawless situation and anarchy was becoming the standard. This was demonstrated in occurrences such as the incident of 7 October 2002 when a dozen or so Palestinians dressed in police uniform flagged down the car of Colonel Rajah Abu Lihya, head of the Palestinian Authority’s Anti-Riot Police Unit in Gaza. He was shot six times in the chest, and his corpse was mutilated. Abu Lihya had commanded the police force responsible for the killing of three Palestinians during a Hamas demonstration in Gaza in October 2001. The family of one of the slain, Yusuf Aqel age 18, demanded the PSS to bring the Colonel to justice. The Palestinian Authority formed a presidential committee but nothing came of it. Revenge was exacted on the first anniversary of Yusuf Aqel’s death. The Palestinian Authority accused Hamas of being behind the killing, since Yusuf’s brother, a self-confessed avenger, was a leading figure in the Hamas military wing. The PSS killed five Hamas activists and wounded 30. Three days of factional demonstrations in the Gaza Strip followed the funerals of the victims. Hamas demanded a cessation of granting of political covers to killers, stating that the law should apply to the police and not just to citizens. The showdown in Gaza over Abu Lihya’s assassination suggested that the Palestinian Authority no longer had the military power and political legitimacy to impose its will and to implement law and order<sup>37</sup>.

### ***Armed Palestinian Groups:***

There was great disillusionment at the performance of the Palestinian Authority during the Oslo years. The Palestinian Authority and its security forces, through political marginalisation and fragmentation, had paralysed Palestinian leftists and Islamic movements during the “peace process.” The PSS co-ordinated with Israel and the CIA through skilful campaigns of repression effectively neutralised Islamic forces

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<sup>35</sup> Ibid

<sup>36</sup> Heinrich, M. (2002) Militants Endanger Security Deal-Israeli General In: *Reuters*.

<sup>37</sup> Usher, G. (25 October 2002) Hamas Rising. *Middle East International*.

and paralysed their military cells<sup>38</sup>. The Israeli punitive sanctions and the Palestinian Authority's habitual corruption and mismanagement brought it to the verge of collapse. The political vacuum created by the institutionalised breakdown of the Palestinian Authority was filled by a variety of armed resistance groups from Islamic and national backgrounds.

The outbreak of the al-Aqsa uprising exposed the PSS to public criticism. Many Palestinians blamed the Palestinian leadership for abdicating their responsibilities, expressing their anger at the fact that their leaders had neglected to give them important public services and to enforce law and order while the IOF remained able to invade Palestinian cities with impunity, meeting no resistance from the PSS<sup>39</sup>. Furthermore, the destruction of the infrastructure of the Palestinian Security Services coupled with the corruption of the Palestinian Authority resulted in chaos and confusion regarding the responsibilities of policing (enforcing law, maintaining public order and delivering services to the Palestinian people) in an environment of proliferation of security forces, militant groups and family clans. This had hindered the Palestinian Police from enforcing law and order within Palestinian society. Accordingly, the absence of a political and institutional authority, together with political fragmentation and the militancy of the uprising, had led to internal lawlessness and violence. Some of the armed militias and tribes had taken the law into their own hands<sup>40</sup>. Consequently the social and economic structures collapsed, crime rates rose and the Palestinian economy had plummeted.

The establishment of the National and Islamic Higher Committee for the follow-up of the Intifada (NIHC), a coalition of fourteen political factions, at the beginning of November 2000, was a significant development in the Palestinian struggle comprising all the political factions of the PLO in addition to the Islamic movements ( Hamas and Islamic Jihad). This committee articulated its policies independently from the PSS, attempting to provide the operational and organisational structure for the uprising<sup>41</sup>. Leaflets handed out by activists of the NIHC depicted its own role as providing direction rather than actual leadership. Contradictory to the NIHC attempts of directing the Intifada, waves of protest formed a dynamic of their own. Most of these

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<sup>38</sup> Rabbani, M. (2001b) A Smorgasbord of Failure: Oslo and the Al-Aqsa Intifada. In: *The New Intifada: Resisting Israel's Apartheid*. (Ed, Carey, R.) London: Verso, pp. 69-90.

<sup>39</sup> Luft (2002)

<sup>40</sup> Roy, S. (2001a) Palestinian Society and Economy: The Continued Denial of Possibility. *Journal of Palestine Studies*, XXX(4).5-20.

<sup>41</sup> Ibid

groups lost their support except for Fateh (the Nationalist Front) as the main political party, and Hamas (the Islamic Front) which formed the main opposition to the Oslo agreements and was the major religious party<sup>42</sup>.

The weapons in Palestinian hands during this Intifada were tools of resistance. They were also harmful to Palestinian society where violence increased between Palestinians. This included Palestinian Security Services and Palestinian political factions where innocents were caught in the line of fire, and between families for various reasons. Moreover, the legality of the PSS was undermined when Palestinian police officers were banned from carrying weapons in some of the West Bank cities. Hence Palestinians looked to resistant leaders for protection. Therefore, support for armed Palestinian groups increased beyond that for the PSS as those groups had stood against Israeli incursions into Palestinian cities, towns and refugee camps even though security had not been achieved and the Palestinians remained apprehensive.

The combination of different forces policing the Palestinian people resulted in an unprecedented climate of insecurity in the autonomous areas.

### **Dilemmas in Achieving Security for the Palestinians:**

The Israeli occupation of Palestine has made it unattainable to construct a sovereign Palestinian state. It has affected every feature of Palestinian existence. The occupation is the main explanation for Palestinian insecurity and the atmosphere of apprehension. Still, after the establishment of the Palestinian Authority the occupation, ultimately, continues. This dilemma feeds directly into the asymmetry between Palestinian and Israeli security requirements. Thus, security for the Palestinians means the cessation of the Israeli occupation and the establishment of a sovereign Palestinian state. Meanwhile, for the Israelis it means the continued existence of their state.

Many intellectuals call for the creation of an independent Palestine for security assurance and stability within Palestinian society. For Lubin<sup>43</sup> the cessation of violence and the achievement of peace, justice and security for both Palestinians and Israelis will end the occupation and establish separate, democratic and secure states of Palestine and Israel. However, the researcher believes that there must be a substitute to provide security in the non-existence of the state. The Palestinian Security Services

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<sup>42</sup> Hammami, R. T., S. (2001) The Second Uprising: End or New Beginning? *Journal of Palestine Studies*, xxx(2), 5-25.

<sup>43</sup> Lubin, B. (2002) *Sharon Declares War on Palestinian Children*. [cited 2 May 2002]. Available.

as a semi-state body within the autonomous Palestinian areas were the alternative. Nonetheless, they were unsuccessful in responding to the essential requests of Palestinian society, since the Palestinian Authority was contaminated with corruption, and its leadership had infected every person and institution in their way. Efforts to reform the Palestinian Authority and its security forces have failed as the authority for rectification is held in corrupt hands.

### ***Security Sector Reform in Palestine:***

Many intellectual Palestinians have called for an end to the corruption of the Palestinian Authority and have called for democratisation. Yet a small number of Palestinian scholars did criticise the Palestinian political leadership. Various human rights activists had commented on the lawlessness, corruption, and sheer brutality of PSS men, many of whom were victims of the Israeli occupation. Said<sup>44</sup> (1998) expressed his views as follows: “Those of us who have fought for Palestinian self-determination over the years have been bitterly disappointed in the behaviour of Yassir Arafat’s Palestinian Authority towards its own citizens.” Said<sup>45</sup> (1996) said: “My hope is that Arafat will at least turn to his long-suffering people and tell them the bitter truth, which is that Israel has need only of a cosmetic peace.” However, political reform of the Palestinian Authority falls on deaf Palestinian ears in the absence of a meaningful political process. Voices are raised by politicians from around the world for reform in the Palestinian Authority<sup>46</sup>. In an annual fund-raising dinner for Medical Aid for Palestine (MAP) in London in June 1997, two of the main speakers were Lord David Steel, MAP’s current president, and Clare Short, Minister of International Development in the Labour Cabinet of Tony Blair, who stressed the need for accountability and transparency of the Palestinian Authority given the fact that Palestinians are oppressed people and are still in need of financial aid and support<sup>47</sup>. According to a public opinion poll conducted in the Gaza Strip in 1995, 57 per cent of the respondents expressed dissatisfaction with the functioning of the Palestinian Authority, 69 per cent complained of the lack of democracy, and 90 per cent expressed the view that the positions in the Palestinian Authority are filled unfairly.

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<sup>44</sup> Said, E. W. (29 January 1998a,b) The Problem Is Inhumanity In: *Al-Khaleej*.

<sup>45</sup> Said, E. W. (29 September 1996) Uprising Against Oslo. In: *The Observer*.

<sup>46</sup> Rabbani, M. R., S. (2002) Impact of 9/11 on the Middle East: Palestinian Politics and September 11. *Middle East Policy*, IX(4).

<sup>47</sup> Said, E. W. (2 July 1997) Are There No Limits to Corruption? In: *Al-Hayat*.

Responsibility was placed at the feet of Yasser Arafat personally, and he was blamed for the shortcomings in his leadership. Others placed the responsibility more on the inclination of the patronage in the Arab-Palestinian political culture than institutional building. A third perspective views the problem as one of the continuation of traditional forms of social influence<sup>48</sup>. Nevertheless, Palestinian society sees reform of the Palestinian Authority differently from the Americans and Israelis. The Palestinian people hope that reform can bring freedom and accountability and provide security<sup>49</sup>. Abu-Libdeh<sup>50</sup> believes that “years of corruption practices within Palestinian society and government have created a distorted concept of good citizenry, and any reforms must address this central problem. The Palestinian people should view reform as the most appropriate means of empowering themselves, ensuring their personal security, and improving their standard of living, not as a response to extremely imposed conditions and pressures.”

For Israel, reform meant reforming the PSS into a more responsive and better organised apparatus to carry out Israel’s bidding in occupied Palestine<sup>51</sup>. Sharon, the Israeli Premier, warned that he would not discuss a Palestinian state without real reform, which would involve the removal of the Chairman of the Palestinian Authority, Yasser Arafat, who the Israelis believed was behind the ‘terrorist campaign’ since September 2000<sup>52</sup>. President Bush said: “I have been disappointed in Chairman Arafat. I think he has let the Palestinian people down. I think he had an opportunity to lead to peace and he has not done so.” He added “The Palestinians need to develop a constitution, rule of law, transparency. They have to have a treasury that is able to battle corruption as that not only do the Israeli people have confidence in the Authority, but so do the Palestinian people.”<sup>53</sup>

In September 2002, a newly rebellious Palestinian Legislative Council, meeting in Ramallah, refused to ratify the Palestinian Executive Cabinet. That gave a clear signal of its intention to force Arafat to dismiss his entire cabinet amid charges of

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<sup>48</sup> Brynen, R. (1995) The Neopatrimonial Dimension of Palestinian Politics. *Journal of Palestine Studies*, xxv(1), 23-36.

<sup>49</sup> Bishara, M. (2002) Palestine/Israel: Peace or Apartheid. Occupation, Terrorism and the Future. London: Zed Books.

<sup>50</sup> Abu-Libdeh, H. (2002) Establishing the Conditions for Reform. In: Special Studies on Palestinian Politics and the Peace Process: Reforming the Palestinian Authority: Requirements for Change. Vol. 43 (Ed, Ross, D.): The Washington Institute, Policy Focus.

<sup>51</sup> Bishara (2002)

<sup>52</sup> Horrock, N. M. T., R. (2002a,b) *US Calls for New Palestinian Security*. *United Press International* [cited 29 March 2003]. Available.

<sup>53</sup> Horrock & Tomkins (2002)

corruption, incompetence, and dictatorial rule. Legislators suggested that executive authority would soon be vested in a Prime Minister<sup>54</sup>. Instead Arafat agreed to elections in January 2003 despite the continuation of the occupation<sup>55</sup>. Arafat's attempts at reform were not the sort of reform to which the Palestinian Legislative Council had aspired. Meaningful reform at the very least had hoped to see evidence of one of the most fundamental elements of reform: accountability. Not one senior Palestinian official was questioned, tried, or held accountable for ineptitude, misuse of public funds, abuse of public office, or any other violations in law during the existing years of the Palestinian Authority. Palestinian Security Services, in particular, were in dire need of accountability-based reform<sup>56</sup>. "Although opponents of reform are currently outnumbered by reform advocates, the former are still more powerful and influential than the latter. Therefore, the reform process may well meet with a great deal of political resistance."<sup>57</sup>

### ***Challenges to Security Sector Reform in Palestinian Autonomous Areas:***

Citizens give up some of their individual autonomy to their state and legal system in return for a safe and secure society. This symbiotic relationship is not applicable to all forms of states such as a dictatorial state, which prevents individuals from acting freely, or a weak state, which cannot protect segments of its society from attacks<sup>58</sup>. The Palestinian case was different under the rules of the Palestinian Authority. After their installation in Gaza in May 1994 the PSS encountered a double challenge. On the one hand they had to prove their ability to bring back social order in the aftermath of seven years of uprising and twenty seven years of occupation without endangering national cohesion. On the other they needed to offer the population efficient protection against the Israeli military administration and the threat posed by Israeli terrorist groups opposed to any form of dialogue with the PLO<sup>59</sup>.

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<sup>54</sup> Zelnick, B. (2003a) *The Unnecessary Intifada* Updated Winter 2003 [cited 8 September]. Available.

<sup>55</sup> Isseroff, A. (2002) A Brief History of Israel and Palestine and the Conflict. *MidEastWeb Site Policy*. <http://www.mideastweb.org/briefhistory.htm> 17-04-03.

<sup>56</sup> Abu-Amr, Z. (2002) Political Reform: Prospects and Obstacles. In: *Special Studies on Palestinian Politics and the Peace Process: Reforming the Palestinian Authority: Requirements for Change*. Vol. 43 (Ed, Ross, D.): The Washington Institute, Policy Focus.

<sup>57</sup> Abu-Amr (2002)

<sup>58</sup> Meyers (2000)

<sup>59</sup> Grange (1998)

Consequently, the Palestinian Police encountered predicaments in policing within the autonomous Palestinian areas in the period of 1994-2005. Such predicaments further damaged Palestinian security. These challenges are considered as obstacles to security sector reform. They are manifest in the following:

### **Palestinian Psychology:**

The Palestinian people had spent 27 years under direct Israeli occupation in the West Bank and Gaza Strip (WB/G). Accordingly they needed rehabilitation and transformation from civil disobedience to establish a new relationship with their own authority. Colonel Salem Nasser of the Civil Police, in an interview with Meyers<sup>60</sup> in 26 November 1997, stated: “For thirty years the people have worked against Israeli law. They cannot learn in two years to obey, especially since Palestinians are stubborn.” It was difficult for young Palestinians to adapt to a reutilised life after the years of uprising and permanent revolution<sup>61</sup>.

With the change of the political situation, armed groups had begun to search for a new role to play. Some of them were integrated into the security forces. Most members of these groups were victimised or traumatised thus, once they were placed in a position of authority, they were likely to exercise a type of authority that verged on the oppressive. Others found it difficult to conform to a new form of imposed discipline and quickly deserted, looking for other means to remain active<sup>62</sup>.

The relationship between the Palestinian Authority and the Palestinian people was characterised by alienation in that Palestinians had never had their own Palestinian rulers. The PSS-society relationship was a very intricate and problematic matter under the Palestinian Authority. The latter was plagued during the first six months of its autonomy by different issues, including security, democracy, and economic hardship. Unemployment in the Gaza Strip was about 50 per cent with a destructed infrastructure after three decades of deliberate negligence by the Israeli occupation. Poverty increased, especially in the Gaza Strip, after the finalisation of the Oslo Agreement. One of the main reasons for the degradation of the Palestinian economy

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<sup>60</sup> Meyers (2000)

<sup>61</sup> Kimmerling, B. (1997) *The Power-Oriented Settlements: PLO-Israel-The Road to the Oslo Agreement and Back?* In: *The PLO and Israel: From Armed Conflict to Political Solution 1964-1994*. (Ed, Sela, A., & Ma'oz, M.) London: Macmillan Press Ltd, pp. 223-251.

<sup>62</sup> El-Sarraj (1997)

was the burden of cost of Arafat's rule incurred by his security forces<sup>63</sup>. Thus, this feeling of alienation from state authority taught the Palestinians to excel in manipulating the system. This was to lead to corruption and future alienation from the authority. Corruption within the Israeli authority during the occupation had inevitably influenced the Palestinian societal norms. For El-Sarraj<sup>64</sup>, the PLO relationship with the Palestinian people was different from alienation, and Yassir Arafat was viewed as a father figure and a major symbol for the Palestinians. Such a relationship was built on an illusion which was abnormal.

### **The Israeli-Palestinian Peace Agreements:**

Policing in the autonomous areas was excessively restricted by the provisions of the Israeli-Palestinian peace agreements. This includes the Oslo Agreement (1993), the Cairo Agreement (1994), the Interim Agreement (1995), the Hebron Protocol (1997), and the Wye Memorandum (1998).

Palestinian responsibilities according to these agreements were to maintain internal Palestinian security. However, there was no clear definition of the term "internal security for the Palestinians." Did the Israeli authors of the agreements mean that Palestinian police could use all their powers to protect the population in the self-ruled areas against all forms of threat, including external ones, or did they mean, in a narrower perspective, that Palestinian policing abilities should be limited to the prevention and repression of internal threats, such as those from armed groups opposed to the Oslo agreements? For Grange<sup>65</sup> there is no doubt that the Israeli army would not protest about the use of arms by the Palestinian Police against the violent intervention of Israeli civil groups inside Area A. However, things became more obscure when it came to the Palestinian right of reprisal in the case of Israeli military incursion within the same area. For example, the Netanyahu government claimed the right to prosecute Palestinian policemen who opened fire on Israeli soldiers (who were themselves using their weapons against Palestinians within Area A) during the events of September 1996 (the Tunnel Intifada).

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<sup>63</sup> Said, E. W. (2001a) *The End of the Peace Process: Oslo and After*. New York: Vintage Books.

<sup>64</sup> El-Sarraj (1997)

<sup>65</sup> Grange (1998)

It was unambiguous that the Palestinian Authority was assigned, by the agreements, to work in close cooperation with Israeli security agencies to subdue Palestinian militancy, but its autonomy in other affairs was exceedingly circumscribed<sup>66</sup>.

### **The Palestinian Legal System:**

The attitude of the Palestinian people changed after the establishment of the newly formed Palestinian Police where individuals were to co-operate with police officers in order to enforce law and order, despite the fact that most legislation in the autonomous areas was enacted by different occupation authorities in Palestine. The Palestinian legal system, inherited by the Palestinian Authority, was incomprehensible and lacked legal codes and consistency. It was inherited from the British Mandate, Jordanians in the West Bank, Egyptians in the Gaza Strip and by the Israeli occupation. A major part of these pieces of legislation dated back to the pre-1948 era where the Universal Declaration of Human Rights was not generally known to most people. Palestinians hoped for the immediate abolishment of these laws and the enactment of national Palestinian laws to respond to the needs of Palestinian society.

According to the Cairo Agreement, article VII, the 2000 military orders, which were supposed to form the legal framework in the autonomous areas, issued by Israel during the occupation, would remain in force unless abrogated by the Joint Legislative Subcommittee. A decree was issued by Arafat on 20 May 1994 abolishing all Israeli military orders unless they were not contradicting Palestinian interests, allowed freedom of action and presented fewer legal restraints to himself. The Israeli Premier, Rabin, dismissed Arafat's edict. However, Palestinian lawyers and judges in Gaza and Jericho ignored all references to martial law<sup>67</sup>. According to Article VII of the Cairo Agreement, the Palestinian Legislative Council could promulgate basic laws, regulations and other legislative acts. These laws and regulations had to be reviewed by the Joint (Israeli-Palestinian) Legislative Subcommittee, and ratified by the chairman of the Palestinian Authority. Moreover the Ministry of Justice had the monopoly over the judicial apparatus<sup>68</sup>.

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<sup>66</sup> Lagerquist, P. (2003) Privatising the Occupation: The Political Economy of an Oslo Development Project. *Journal of Palestine Studies*, xxxii(2), 5-20.

<sup>67</sup> Usher, G. (1997) *Palestine in Crisis: The Struggle for Peace and Political Independence after Oslo*. London: Pluto Press.

<sup>68</sup> Meyers (2000)

For Mari<sup>69</sup>, a Palestinian lawyer, the reliance on such an outdated legal system in Palestinian areas created difficulties not just for the judiciary but also for the Palestinian Police, and the enforcement of such laws was in breach of Palestinian human rights in many cases. Moreover, it was extraordinary for the PSS to depend on selective criteria in implementing such legislation.

### **Land Fragmentation:**

The authority of the Palestinian Police was constrained by the geography of Palestinian autonomy. They had been confined in their activities by Israeli settlements expansion and the partition of Palestinian territories by Israel<sup>70</sup>. The division of areas into A, B, and C<sup>71</sup> had complicated policing issues. Area A represented a space divided into nine enclaves, eight of them in the West Bank and one in the Gaza strip. In places where the Palestinian Authority only exerted authority regarding civil affairs, Area B and villages in Area C, the police limited their powers to public order. Their activities were severely controlled by the Israeli army. When they wanted to intervene in these regions, the Palestinian police needed to get authorisation beforehand from the Israeli military authorities and provide a list of the policemen who would operate there, the serial numbers of their arms, the details of numbers of vehicles and the itinerary they would use<sup>72</sup>.

This division of territories represented many obstacles for the Palestinian Police in their role as protectors of the population. They had no protective power any more when Palestinians started travelling between different areas. They had no power whatsoever in cases of closure imposed by Israel. This fragmentation did not allow the police to control efficiently passage points inside the autonomous areas. The Palestinian police therefore made the choice of employing a soft type of control, which made circulation easier but also facilitated Israeli incursions. For example, in Tulkarem in October and November 1997, Israeli special units did not have any problem entering the city without being detected by the Palestinian Police in order to kidnap two militants from the Islamic Jihad shortly after their liberation from

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<sup>69</sup> Mari, M. (2004) Policing in a Period of Transition: Learning from Palestine. <http://wwwmembers.tripod.com/rula1234/> on line on 15 Aug. 2004.

<sup>70</sup> Grange (1998)

<sup>71</sup> See Appendix A1, A2

<sup>72</sup> Grange (1998)

Palestinian jails<sup>73</sup>. The Palestinian Police could not pursue a suspect into Area C nor arrest an Israeli citizen in Area A or B. This complexity had the effect of discrediting the capacity of the Palestinians to police themselves in the autonomous areas. Thus the PSS were accused by the Palestinian people of being ineffective in protecting them.

### **Proliferation in the PSS:**

The Israeli-Palestinian peace agreements paved the way for the establishment of a Palestinian police force, which included seven branches of security forces: the Civil Police, the National Security, the General Intelligence, the Preventive Security, the Coastal Guard, the Presidential Guard, and Civil Defence. The Palestinian leadership founded a further five branches of security forces. The Palestinian Police, thus, were one of the largest employers in the WB/G, not including the civil bureaucracy. The result was proliferation in the PSS which resulted in it having one of the highest number of police to population ratios in the world, at approximately 1:50. The Palestinian Authority was criticised for creating such a non-productive sector. The Palestinian Authority argued that employment in the PSS could reduce unemployment as well as award Fateh cadres, taking into consideration that reducing unemployment was one of the urgent problems for the Palestinian people. Members of the opposition groups had become affiliated to the PSS and the administration of the Palestinian Authority in order to secure a salary, emphasising that this did not change their rejection of the Oslo agreements<sup>74</sup>.

Being the largest employer, especially in the Gaza Strip, and the source of most new jobs of state bureaucracy and security, the Palestinian Authority reflected the importance of the military in its expenditure. In 1995 the Palestinian Authority's Budget amounted to \$440 million, approximately one third of the gross national product (GNP) of the self-ruled area<sup>75</sup>. The Palestinian Authority had been unable to pay the PSS salaries on time on many occasions because of lack of funds. The massive number of unpaid police officers could become a dangerous and destabilising factor in Palestinian society.

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<sup>73</sup> Ibid

<sup>74</sup> Meyers (2000)

<sup>75</sup> Frisch, H. (1997a) From Palestinian Liberation Organisation to Palestinian Authority: The Territorialization of "Neopatriarchy". In: *The PLO and Israel: From Armed Conflict to Political Solution, 1964-1994*. (Ed, Sela, A. M. o., M.) London: Macmillan Press Ltd.

It may appear that the PSS were officially under a unified command, but they were unlike in appearance and role to a certain extent. Previous members of the Palestinian Liberation Army strengthened the character of the National Security Force, the General Intelligence, the Military Intelligence, and the Coastal Guard while locally-recruited members from the Intifada activists and the police force made up the backbone of the Civil Police and the Preventive Security Force. The increased number of members of different security forces in the Palestinian street actually put society under a more intensively policing process than during the Israeli occupation. That increased the concern about the militarization of Palestinian society<sup>76</sup>. Raji Sourani, the director of the Palestinian Centre for Human Rights accused the Palestinian Authority of militarising Palestinian society by employing a huge number of security personnel. Furthermore, the multiplicity of security services acted simultaneously, with overlapping jurisdiction, inherently exposed the Palestinian people to oppression. The situation was exacerbated by the competition of the security chiefs to gain Arafat's satisfaction. This resulted in violent clashes in many instances, where innocent civilians were caught in the middle of fire<sup>77</sup>.

The proliferation of military colours in the PSS caused it to be known as a 'uniform culture'<sup>78</sup>. This culture ominously infiltrated Palestinian youth movements, such as summer scout camps, in which young Palestinians were trained in handling light weapons and performing military drill<sup>79</sup>. This indicated the creation of a future ultra-militant Palestinian society.

### **Recruitment and Training:**

The conversion of the Palestinian Liberation Army (PLA) into a police force had negative consequences on the functions of members of the police in the Palestinian self-ruled areas. Their skills were different from those required in police officers because the tasks of a police force are dissimilar to those of a militia. Members of the PLA and members of the Palestinian Police who were recruited from the occupied territories, including detainees and ex-detainees, are not known for their wide experience, neither in policing nor in the field of human rights. Moreover, there has

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<sup>76</sup> Meyers (2000)

<sup>77</sup> Wurmser (1999)

<sup>78</sup> Milton-Edwards, B. (1998) Palestinian State-Building: Police and Citizens as Test of Democracy. *British Journal of Middle Eastern Studies*, 25(1).

<sup>79</sup> Kershner, I. (1998) Summer in Gaza: Guns & Games In: *Jerusalem Report*, 22-24.

never been a requirement that potential members of the Palestinian Police have legal or human rights or even policing backgrounds, all of which have not been covered in their training<sup>80</sup>.

The training of members of the PSS, locally and abroad, did not strengthen a sense of justice and a commitment to respect the rule of law and human rights. The existence of human rights organisations did not encourage legal training or human rights training despite their call for the implementation of such necessary requirements.

The establishment of the Palestinian Police under the nascent Palestinian Authority required technical equipment for policing, some of which was provided by the European Union and the United Nations. This support fell short of answering basic requirements for establishing a modern police force to maintain law and order and to respect the rights of individuals and groups. The PSS, therefore, had to use alternatives which resulted in restrictions on human rights. For example, the police had to use live ammunition in different incidents in the Gaza Strip to disperse demonstrators because of the lack of tear gas, and plastic and rubber bullets.

### **Politicisation of the PSS:**

The Palestinian Security Services were politically structured. This was reflected in their recruitment process, mechanism and functioning. Cronyism and party favouritism had alienated a large number of Palestinians by discouraging them from joining the PSS. Sections of society had been excluded from joining the PSS because they were not aligned with the Fateh party. Arafat's patronage-based social order also affected the police-society relationship. Even so, Colonel Ghazi Al-Jabali, the head of the Civil Police, could still claim that the "Palestinian security system is a neutral system and is not working to serve any group. The Palestinian security forces will preserve the dignity of the Palestinian citizen."<sup>81</sup>

Politicisation of the Palestinian Police was asserted in the aftermath of the Black Friday incident, Arafat attended a rally organised in Gaza City by Fateh activists and supporters (of about 10,000 people) who blamed Hamas for assassinating 13 Palestinian victims in the mosque clashes, and it was turned into a show of factional might. Arafat, in a speech delivered to the crowd, asserted that Fateh and the PSS

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<sup>80</sup> Mari (2004)

<sup>81</sup> Al-Quds Daily Newspaper (1994)

were the protector of security and land<sup>82</sup>. Arafat re-empowered the Fateh Hawks, turning the confrontation between the PSS and the Palestinian people into factional fighting between Fateh and Hamas for his own benefit. Hamas organised a rally in response. For Meyers<sup>83</sup>, such incidents raised an early question about the PSS representing one socio-political force at the expense of another.

Subsequently, the PSS, as an effective tool in the hands of the Executive Committee, had used harsh tactics to strengthen Arafat's regime by the continuation of enforcing social order within Palestinian society, which had resulted in alienating society from the police and the ruling elite, and caused feelings of insecurity. This was enhanced by the structure of the PSS which provided the Palestinian Authority with significant control over Palestinian society and the Palestinian legislative system<sup>84</sup>. Consequently, the Palestinian police were seen by society as part of the system rather than the community. Therefore, any debate about policing was political and reflected on the peace process<sup>85</sup>. Colonel Jabril Rajoub said: "Security cannot be separated from politics<sup>86</sup>."

### **Police – Society Relationship:**

The Palestinian Police-society relationship was unstable during the years of 1994-2005. The Palestinian people were suspicious about the police organisation. Their suspicions were caused by circumstances about how the Palestinian Authority and its security forces were established, and by their relationship with the Israeli intelligence services, this despite the welcoming reaction the Palestinian policemen received on their return to the autonomous areas in 1994 by Palestinian society. The transformation of the PSS attitude towards the Palestinian people by various means of human right violations had changed the Palestinian perspective of their 'national police.'

The Palestinian Security Services lacked accountability related to human rights concerns and the failure of the police to investigate incidents where its members were involved in serious breaches of the legal system. Even in cases where investigation took place, the Palestinian Authority failed to disclose the conclusions of such

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<sup>82</sup> Usher (1997)

<sup>83</sup> Meyers (2000)

<sup>84</sup> Ibid

<sup>85</sup> Milton-Edward (1997)

<sup>86</sup> Immanuel, J. (1997) Rioting Continues in Territories In: *The Jerusalem Post*.

investigations. Accordingly, the campaigns of arrests of Palestinian opposition groups by different branches of the PSS and the lack of accountability caused the Palestinian Authority to appear as subservient to the Israeli authorities.

### **Coordination and Cooperation:**

Coordination and cooperation between Palestinian and Israeli committees were not welcomed by the Palestinians despite the fact that they were encouraged to prevent friction and misunderstanding. The committees were affirmed by the Wye Memorandum, to ensure Palestinian compliance with security obligations and to give Israel and the US an increasingly influential role in Palestinian policing policy<sup>87</sup>. Israel demanded the PSS to prevent violence against Israelis by opposition Palestinian groups. The international community expected the PSS to prevent violence, safeguard Palestinian society and respect human rights. Conversely, the various branches of the PSS would maintain public order covertly by the monitoring of opposition groups, and employing censorship and counter-espionage through suppression tactics, arrests and confrontations<sup>88</sup>. The PSS were usually damned by the Israeli authority when it did not arrest opposition agents who were accused of violence against Israelis. They were also damned by international human rights organisations for their extrajudicial methods towards the Islamists and other opposition members<sup>89</sup>.

The role played by the Palestinian Security Services, in which Palestinian Intelligence Services were in cooperation with the occupation forces, was a critical factor for the Palestinian people. “The joint policing role itself is quite problematic since it means that Palestinian police have to jointly patrol certain areas and have to carry out many of their activities with close coordination with the Israeli occupation troops at the time the Israeli troops are still carrying out their violations of the rights of the Palestinians living under Israel’s occupation<sup>90</sup>.” For Said<sup>91</sup> (2001): “The Palestinian Authority is locked into this astonishingly ingenious, if in the long run fruitless, arrangement via security committees made up of Mossad, the CIA and the Palestinian security services.” Pearlman<sup>92</sup> believes that Palestinian ministries under the rules of the

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<sup>87</sup> Meyers (2000)

<sup>88</sup> Ibid

<sup>89</sup> The-Estimate (2000) *The Palestinian Authority: The Security Forces and Other Armed Elements. The Estimate* [www.theestimate.com/public/102000.html](http://www.theestimate.com/public/102000.html) found on 14/03/03., xii(21), 20.

<sup>90</sup> Mari (2004)

<sup>91</sup> Said (2001), p.39

<sup>92</sup> Pearlman (2003)

Palestinian Authority were empowered to act on inconsequential matters but had to forward any issue of substance on to their counterparts in the Israeli bureaucracy, where real decisions were made.

Reciprocity was not implemented in cooperation between the two sides. When a Palestinian inflicted injury on an Israeli, a thorough investigation was carried out. When the responsible individual was brought to trial he was relentlessly punished. In all the instances in which Israeli citizens were killed by Palestinians, the guilty persons received life sentences. In contrast, when an Israeli caused injury on a Palestinian, the police did not hasten to investigate. Investigations continued for a long time and generally concluded without bringing anyone to trial and, when charges were brought, the trial proceeded exceptionally slowly<sup>93</sup>.

### **Occupation Restrictions:**

The Palestinian Police were granted a limited use of force within the autonomous areas. They benefited from internal security jurisdiction in only about 3% of the area of the West Bank and about 50% of the area of the Gaza Strip. The PSS had restricted security jurisdiction over Palestinians residing in certain parts of the West Bank, Areas B, whose approximate area was 27% of the West Bank. Even within Area A where the Palestinians had been granted full policing capability, the Palestinian Police were not allowed to arrest or question anyone with an Israeli identification card, including Israeli settlers. This posed a significant problem to the PSS to compel compliance with the law<sup>94</sup>. The Israeli Occupation Forces (IOF) allowed members of the PSS to enter villages in Area B to handle non-political crimes, such as family disputes. In the case of a political problem the IOF did not hesitate to override the authority of the PSS in the name of Israeli security. The result was that the PSS did not hold a monopoly over the use of force within the WB/G and could not carry out their policing functions properly. The IOF also intervened within the autonomous areas, arresting Islamic activists, abducting others, and killing some prominent members of the opposition Palestinian groups<sup>95</sup>.

The IOF operations within the autonomous areas severely undermined the PSS authority to protect the Palestinian Authority and fully police Palestinian society,

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<sup>93</sup> Mari (2004)

<sup>94</sup> Meyers (2000)

<sup>95</sup> Ibid

which influenced the PSS relations with the Palestinian people. Although the IOF had no jurisdiction over suspects inside Area A, it had kidnapped wanted men and taken them into areas under Israeli jurisdiction. The PSS had often taken steps to prevent kidnappings. Israel had taken on an assassination policy and extrajudicial executions against the Palestinian people, particularly Islamic activists. This policy had undermined Palestinian control in the autonomous areas.

## **Recommendations:**

The future effectiveness and efficiency of the Palestinian Security Services to deliver basic security needs to Palestinian society and avoid insufficiency and miscalculation of the past necessitates reformation of the police organisation. The Palestinian leadership, human rights organisations, the Israeli government, and the international community have to participate in such a scheme.

Success in Palestinian reform should be consistent with Palestinian aspirations and reflect Palestinian goals, interests and expectations. Reform should be seen as the most proper means for empowerment and enhancing personal security and the standard of living. It will require a clearly and rigorously developed operational agenda, well identified priorities, well established mechanisms of performance appraisal, and well defined methods of monitoring and reporting progress.

The authority of the Palestinian police must employ an international standard of policing, which utilizes a methodology of transparency and accountability. This, with more training and better equipment, would provide a technical solution to the problem of human rights abuses and the absence of rules of law. Such development requires a sufficient political will on the part of the political leadership to make this approach feasible. Growing political power from the ground within Palestinian society should take place to accelerate this process. The subsequent means have to be implemented in order to achieve security through reform.

- The amalgamation of the Palestinian Security Services into three sections (the Civil Police, the Intelligence Services, and the National Guards) is an important step towards the reformation of the PSS. This process would reduce the number of security agents into a reasonable ratio with Palestinian society. Accordingly, militarising the society would disappear and then security would be increased.

Economically, the Palestinian budget would be diverted from the security sector into a more productive area of investment such as health and education.

- Members of the security services wishing to become good police members should receive a high-quality programme of training and this includes law, human rights and appropriate police techniques. Military officers who integrate into the police forces should obtain full police training as the responsibilities are completely different from military tasks, and consistency of training is essential. Thus, a unified programme and curriculum should be delivered by specialists. For the achievement of this stage, the Palestinian Authority has to acknowledge human rights violations of the past.
- Responsibilities of the PSS have to be in harmony with the different branches of the police. Moreover, police officers should be law-abiding as a high-quality model for citizens. Police officers should not enforce outdated laws which contradict human rights and laws and regulations instructed by the occupation authorities to serve their interests.
- External independent machinery is imperative to guarantee accountability and transparency of the Palestinian Police, and the Palestinian leadership should take all necessary measures to facilitate the establishment of such a body.
- Human rights organisations should participate in instructing police officers in police ethics and in human rights. The Palestinian leadership have to bring into play a number of local Palestinian human rights organisations. This would produce an effective leadership and would contribute to the process of democracy.
- Israel should play its part in a gradual reconstruction. Its main responsibility should be to refrain from further attacks on the Palestinian infrastructure and to allow the Palestinian Police to restore themselves.
- Reforming the security apparatus requires the support of the international community which would contribute to the reinforcement of civilian control over the security sector through reform of governmental and non-governmental institutions to strengthen their ability to manage and control the security organisations. The international community also have to provide the necessary resources for policing to endorse human rights protection.

## Conclusion:

Security is an essential element to humanity, is of supreme value to individuals, society and state policy, and the need for it is instinctive. Genuine security is illusionary, elusive, and ephemeral and therefore it is not palpable. It is subjective, varies from one person to another and from one culture to another. The quest for security is a continuous and ongoing struggle. Security is a burden which entails expenditure, risks and costs. It is perceptual, which is applicable to states and people, and a means to experiencing either joy in a sense of security, or suffering anxiety. Security offers protection, assurance, confidence of success, and virtual certainty of an assured future. It comes from a stable, unstressful environment, a basic structural equilibrium, a feeling of immunity, and an ability to determine one's own fate through personal power to directly affect events.

Major changes in security studies have occurred in the last decade, including a large academic debate about the nature and boundaries of security. Definitions have been broadened, but the military instrument is still the final analysis in defence of the sovereign state, and still the most dominant in perceptions of security. Sovereign states remain the dominant form of international organisations and still resolve security issues through traditional military means. Thus security remains in the foreseeable future a concern of the state, despite the rise of human security as an equivalent, but this does not mean exclusively militaristic, as flexibility is implied, and flexibility does not mean abandonment of traditional security<sup>96</sup>.

Police and security forces represent the state and are the chief responsible bodies for delivering security and stability to the nation and its population by enforcing law, delivering public services, and maintaining public order. This is what the Palestinian people understood and adopted in their perspective of security, that a Palestinian state should have the foremost responsibility to protect their human security. Non-state bodies such as non-governmental organisations, political movements, and tribal systems can distribute policing. Policing has developed differently throughout the world. In some states, police function as no more than a repression tool of the government, while in others they are impartial executors of democratically established laws and regulations. Considerable variations in styles of policing according to

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<sup>96</sup> Carey, R. (2000) The Contemporary Nature of Security. In: *Issues in International Relations*. (Ed, Salmon, T. C.) London and New York: Routledge, pp. 55-75.

cultural, religious, legal, social and political systems affect the state-society relationship. Even in the same political system or within the same geographical boundaries styles may differ as the population changes<sup>97</sup>. Good policing requires renewal of the contract between police forces and citizens. Cooperation between society and the police is essential to police work, most importantly in detection and prevention of crimes<sup>98</sup>. Good policing requires greater openness and scrutiny, continuously improving professional standards and a new commitment to ethics at the core of policing<sup>99</sup>.

Security was partly achieved after the establishment of the Palestinian Police despite the deficiencies of the Israeli-Palestinian peace agreements and their shortcomings in response to Palestinian aspirations. After its establishment, the Palestinian Authority was perceived by the Palestinian people as the protector of their future statehood. This phenomenon influenced Palestinian security thinking where Palestinian society perceived the Palestinian Security Services as a safeguard. Nonetheless, this feeling was shortly changed after people realised that the PSS supported Israeli security. The researcher believes that there was a great opportunity created by the establishment of the Palestinian Authority. The latter had the opportunity to reconstruct Palestinian society and its infrastructure. The Palestinian Police had a real opportunity to deliver internal security to the Palestinians despite external threats imposed by the Israeli army and Israeli settlers. Such opportunities, disappointingly, were wasted by the Palestinian leadership who were concerned about their personal interests and served the Israeli authorities at the expense of Palestinian individual and collective security. Yet the Palestinian Police have the basis and framework of a quasi-state organisation which needs reformation in order to deliver its real message. These security forces encountered problems in policing the Palestinian people in the period of 1994-2005. Such predicaments of policing should have been taken into consideration once a new Palestinian police force was to be created, or a reformation of the current PSS took place. Achieving security and stability may be achieved by removing all the obstacles encountered by the Palestinian Police, therefore obtaining greater effectiveness of their work.

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<sup>97</sup> Alderson, J. (1979) *Policing Freedom: A Commentary on the Dilemmas of Policing in Western Democracies*. Plymouth: Macdonald & Evans Ltd.

<sup>98</sup> Baldwin, R. K., R. (1982) *Police Powers and Politics*. London: Quartet Books Limited.

<sup>99</sup> Neyroud, P. B., A. (2001) *Policing, Ethics and Human Rights*. Devon: Willan Publishing.

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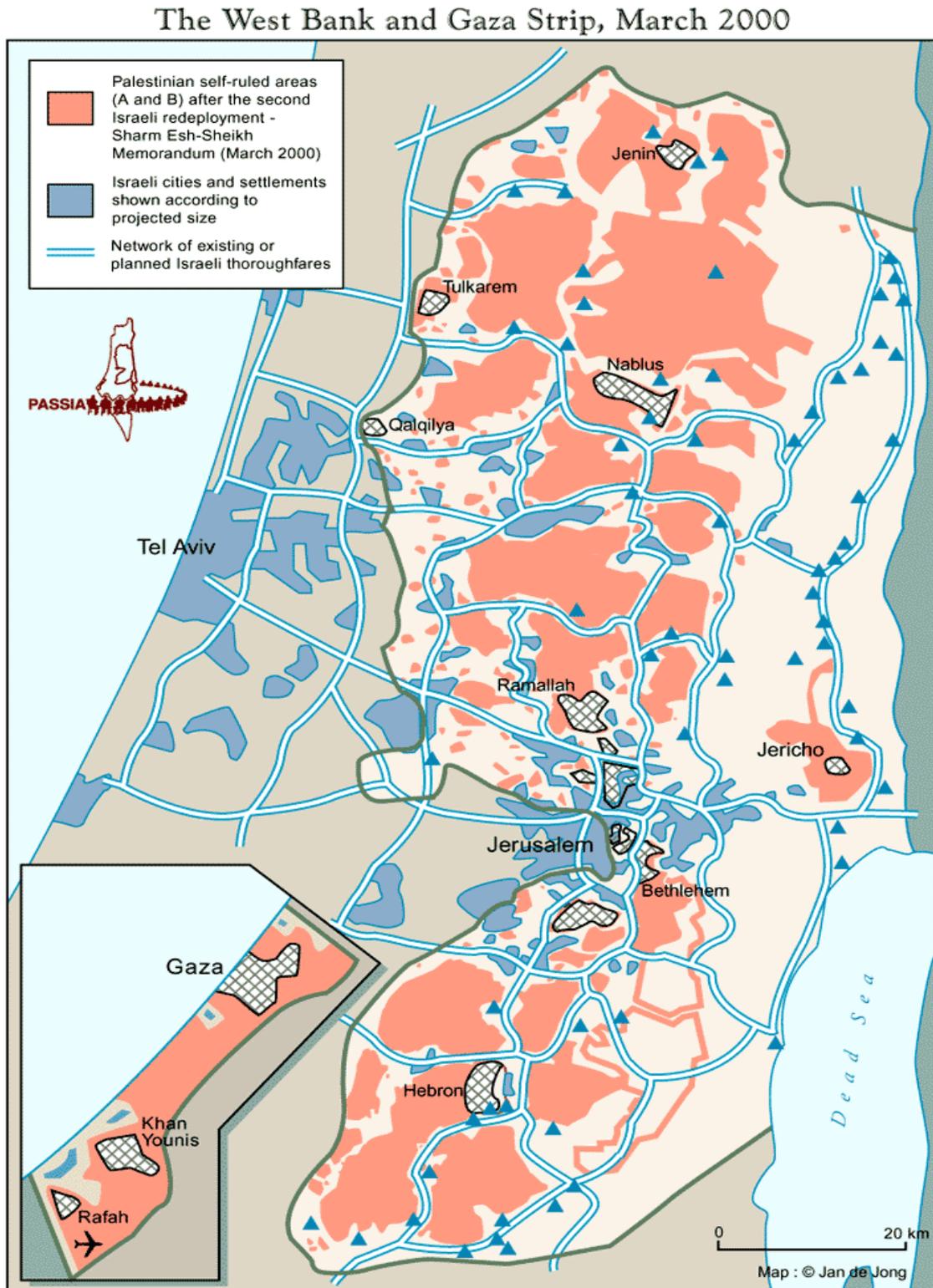
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**Appendix A 1: Area A, B & C in the West Bank according to the Oslo II Agreement**



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**Appendix A 2: The West Bank and Gaza Strip, March 2000**



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