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## Policing in Palestine: Analyzing the EU Police Reform Mission in the West Bank

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## ABOUT THE SSR ISSUE PAPERS

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## SUMMARY

International efforts for security sector reform (SSR) and state building more broadly, have faced major challenges in the Palestinian Territories. Donor countries struggled to overcome an unwillingness at home to use aid funding for police reform purposes, while managing Israeli obstructionism and security concerns, rivalries between Palestinian police generals and a lack of Palestinian preparedness for the technical and practical aspects of police reform. In this context, the European Union Coordinating Office for Palestinian Police Support (EU COPPS) was established in 2005 as an EU Common Security and Defense Policy (CSDP) mission; the European Union Police Coordinating Office for Palestinian Police Support (EUPOL COPPS), the follow-up EU police mission, began in 2006. The role of EUPOL COPPS was to provide support to the Palestinian Civil Police (PCP) for immediate operational priorities and longer-term transformational change.

As efforts in Iraq and Afghanistan have taught the international community, police reform is not as easy as the train-and-equip standard. Especially in post-conflict environments, rebuilding the police should take into account the communities' needs in order to build legitimacy for the institutions of government. This paper seeks to fill the gap of evaluation in the field of police reform efforts by answering the following questions: How should international actors think about police reform efforts in a subordinate, non-judicial and only partially empirical state, and what role do the monitoring and evaluation of police reform efforts play?

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## ACRONYMS AND ABBREVIATIONS

CSDP	Common Security and Defense Policy
EC	European Commission
EU COPPS	European Union Coordinating Office for Palestinian Police Support
EUPOL COPPS	European Union Police Coordinating Office for Palestinian Police Support
IDF	Israeli Defense Forces
MoI	Ministry of the Interior
PA	Palestinian Authority
PCP	Palestinian Civil Police
USSC	United States Security Coordinator

## INTRODUCTION

Governments emerging from violent conflict rarely have the capacity to provide a safe and secure environment for their citizens. Peace builders face a quandary: just as security is necessary for the development of effective government institutions, so are government institutions crucial for security. Violence is both a cause and an effect of failed government. The problems of developing sustainable government through stabilization and reconstruction were dramatically demonstrated following US military interventions in Iraq in 2003 and Afghanistan in 2001 (Bayley and Perito, 2010).

Police are critical to the state-building goals of sustainable peace, a stable justice system, self-sustaining government, human rights and democracy. In the aftermath of conflict, local police are usually unprepared, unwilling or unable to provide police services. Serious police abuses and general lawlessness persist or arise, adding to or causing human rights violations, weak institutions and poor governance. Perhaps most importantly, as police are often the only face of the government an ordinary citizen interacts with, a dysfunctional or abusive police force in a transitioning environment leads to a loss of popular support for, and endangers the success of, the new government, jeopardizing peace and the democratic transition.

Donor countries have contributed billions of dollars toward recent post-conflict police reform efforts in Iraq and Afghanistan alone. The United Nations has helped reform or create new police forces in El Salvador, Cambodia, Haiti, Bosnia-Herzegovina, Kosovo, East Timor, Rwanda, Croatia, Georgia/Abkhazia, Burundi, Sierra Leone, Guatemala, Angola, Liberia and the Democratic Republic of the Congo (O'Neill, 2005). In these and police reform efforts elsewhere, the dilemma of creating legitimate and effective indigenous police forces in the aftermath of conflict has been brought to

the attention of the international community. With the benefit of hindsight, scholars have articulated how police training in previous efforts went awry (Department for International Development, 2010). A repeated mistake of international police reform programs is a reliance on the train-and-equip component, focusing on immediate operational objectives. Because these international programs have inadequate evaluation metrics, there is little or no monitoring of the impact of train-and-equip programs and, therefore, little understanding of the outcomes of the police reform.

As part of the program's monitoring and evaluation, it is important to capture the perceptions and opinions of the police reform process held by the local community, because the key to police effectiveness is public acceptance, or legitimacy (Bayley and Perito, 2010). As efforts in Iraq and Afghanistan have taught the international community, police reform is not as easy as the train-and-equip standard drawn from the military. These programs fail because they are manifestations of the donor country's interests and ignore local needs. Especially in post-conflict environments where rampant crime and insecurity stunt the rehabilitation of a society, rebuilding the police should take into account the community and its needs in order to build legitimacy for the institutions of government.

The primary research subject of this paper is EUPOL COPPS, a program started in January 2006 following EU leaders' readiness to support the Palestinian Authority (PA) in taking responsibility for law and order and, in particular, in improving its civil police and law enforcement capacity. The aim of the mission is to "contribute to the establishment of sustainable and effective policing arrangements and to advise Palestinian counterparts on criminal justice and rule of law related aspects under Palestinian ownership, in accordance with the best international standards and in cooperation with

the EU institution-building programs conducted by the European Commission (EC) and with other international efforts in the wider context of the security sector, including criminal justice reform" (European Union, 2006).

This paper seeks to fill the gap of evaluation in the field of police reform efforts, by answering the following questions: How should international actors think about police reform efforts in a subordinate, non-judicial and only partially empirical state, and what role do the monitoring and evaluation of police reform efforts play?

## PALESTINE, POLICING AND PEACE

According to the 1993 Oslo Accord, the transition to Palestinian self-rule began with the Israel Defense Forces (IDF) withdrawal from Gaza and Jericho, and the assumption of responsibility for internal security and public order in the West Bank and the Gaza Strip by the newly created Palestinian police force. Yet, Palestinians without sovereignty also lacked an appropriate context for a national security debate. The main concern of Palestinian leadership under Yasser Arafat was to gain international recognition of the Palestinian right to sovereignty. Inspired by the signing of the 1993 Oslo Accord, Palestinian scholars seriously began considering security requirements in anticipation of the onset of Palestinian self-rule.

Restraints on Palestinian security responsibilities were repeatedly highlighted in the Oslo Accord, stating, "Israel will continue to be responsible for external security and for internal security and public order of settlements and Israelis" (Declaration of Principles on Interim Self-Government Arrangements ["Oslo Accord"], 1993). The composition and structure of the Palestinian police is detailed more specifically in the 1994 Cairo Agreement, in which the primary function assigned to the Palestinian

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police is “public order and internal security” (The Cairo Agreement, 1994). Progress during this transitional period of self-rule, thus, was contingent on the Palestinian police's success in maintaining internal security. This principle of conditionality, linking Israeli redeployment to Palestinian performance, provided Israel with ample opportunities to delay withdrawal from the West Bank.

Additionally, donor countries hindered development of Palestinian police reform as it existed uneasily throughout the peace process. Officials struggled to overcome an ingrained unwillingness at home to use aid funds for police reform purposes, while simultaneously manoeuvring uneasily between Israeli obstructionism and security concerns, rivalries between Palestinian police generals and a lack of Palestinian preparedness for the technical and practical aspects of police reform (Lia, 2007).

The PCP, known as the Blue Police, was to be the PA's main law enforcement apparatus. Its responsibilities included ordinary police functions such as directing traffic, arresting common criminals, fighting drug trafficking and keeping public order. The PCP was deployed in West Bank cities, and also deployed in 25 selected villages and towns throughout the West Bank's

Area B, the area of PA civilian jurisdiction and Israeli military control. The policemen in these villages in Area B were allowed to carry firearms within the village territory. The Blue Police regularly deployed in Area A, under PA civilian and security control, are equipped with light weapons.

Shortly after Palestinian police began arriving in Gaza and Jericho, Palestinian residents were asked about their expectations: 61 percent of Gazans and 45 percent of West Bankers believed “the Palestinian police will treat all Palestinians equally” (Weinberger, 1995). Within a few months, however, Palestinian optimism about the new police forces turned to widespread disillusionment. The very visible police and intelligence services consumed a large share of the new Palestinian administration's insufficient financial resources and were seen as abusive of citizens' rights.

Members of the political opposition charged that Arafat was using the security forces as instruments of repression (Weinberger, 1995). As an example, in October 1994, members of Hamas's military wing, the Izz al-Din al Qassam Brigades, abducted an Israeli soldier. The incident ended in the soldier's death after an abortive Israeli rescue attempt, but its major significance for Palestinian residents was the role played by Palestinian security forces. Palestinian intelligence assisted the IDF in locating the Israeli soldier and during the crisis, and Palestinian police arrested and jailed 400 alleged Hamas supporters. This sparked protests by both Hamas and PA supporters, reflecting the impossible political situation the Palestinian police found themselves in. When the police followed the terms of the Oslo and Cairo accords and curbed acts of terrorism, the Palestinian opposition portrayed them as Israeli collaborators. When, however, the police did not prosecute offenders, Israel charged them with incompetence and refused to extend Palestinian self-rule.

During the al-Aqsa intifada, which broke out in September 2000, some members of the Palestinian security forces engaged in activities aimed at Israeli soldiers, and in some cases, civilians. Israeli-Palestinian security cooperation essentially ceased, despite international efforts to revive it in order to reduce or halt violence. Central authority in the West Bank collapsed in the wake of Israeli Operation Defensive Shield, during March to May 2002, wherein Israel reoccupied most West Bank cities to quell the second intifada. Israeli operations against basic institutions, movement restrictions, the de facto merging of Palestinian security services, gangs and criminal elements, and the international boycott of the PA left an utterly broken pseudo-government. Following the death of Arafat in 2004 and the election of Mahmoud Abbas to succeed him as PA president in 2005, the international community realized the opportunity to achieve progress on Palestinian security reform had arrived.

In this context, EU COPPS was established in 2005 as an EU CSDP mission and EUPOL COPPS, the follow-up EU police mission in the Palestinian Territories, began in January 2006. The role of EUPOL COPPS was to provide support to the PCP for immediate operational priorities and longer-term transformational change. In this framework, EUPOL COPPS advised the senior leaders of the PCP, and ensured liaison with Palestinian and international stakeholders and coordinated and monitored donor assistance.

Plans for international assistance were hampered by the victory of Hamas in the 2006 Palestinian Legislative Council elections and the establishment of a Hamas-led government from March 2006 to June 2007. The United States advised and helped train, through the office of the United States Security Coordinator (USSC), the Presidential Guardsmen loyal to President Abbas during that time, but most other international efforts to support

Palestinian security forces ceased. After the Hamas takeover of the Gaza Strip in 2007 and the establishment of the PA government in the West Bank, EUPOL COPPS commenced train-and-equip operations in August 2007 with a US\$55-million budget. At this point, security personnel were receiving only a fraction of their salaries, armed gangs held sway in major cities, government institutions faced repeated attacks and international tension was at its peak.

Major challenges have afflicted state building in Palestine. Under Arafat, neo-patrimonial politics promoted patronage and corruption at the expense of effective democracy, political institutionalization and rule of law. Israel's military occupation did not end with the establishment of the PA, and the limited territorial and sectoral authority enjoyed by the PA meant it could only be considered a proto-state at best, lacking both juridical and empirical sovereignty. Political stabilization and conflict management were the clear priorities of the international community and for several years, weaknesses in Palestinian institution building were overlooked in hopes of rapid progress toward peace. Yet, rather than confronting some of the difficult and highly sensitive issues at stake in the conflict, the international community preferred to focus its attention on the less controversial process of providing development assistance (Brynen, 2008).

When Salam Fayyad assumed his position as prime minister, he inherited a PA on the edge of collapse. Established in part as a patronage mechanism and never possessed of strong institutions, the PA had been weakened by Israeli attacks over the course of the second intifada, conflicting agendas during the Hamas-led and national unity governments, and the diversion of donor funding from the government to the president's office. Fayyad set out to re-establish internal order in the West Bank on a number of fronts, most notably security and

public finance. Other aspects of governance, including civil service reform and legal reform, are no less important for restoring governmental authority in the long run, but security and economics today remain the pillars of political stability and the most important results the PA seeks (Fayyad, 2009). Fayyad's plan is premised on the expectation that Palestinian performance, mainly on the security front, will ultimately underscore the senselessness of many Israeli measures, convince Israel to agree to political concessions and encourage the international community to apply pressure (Fayyad, 2009).

## EUPOL COPPS

Due to the involvement of many other actors and the interplay of several variables, judging the impact of EUPOL COPPS efforts is difficult. Nevertheless, despite the failure of accompanying political efforts to reach an Israeli-Palestinian final status agreement, security assistance efforts appear to have yielded some favourable results for the international community, both in establishing a level of basic law and order within the West Bank and in countering terrorism. Urban public order has improved and militia activity has decreased. It is still uncertain what lasting value the technical successes claimed might deliver to the Palestinian people.

The gap between the EUPOL COPPS mission's view of its progress with the PCP and Palestinians' view of the reform is significant, and leads to a security sector that is disconnected from reality. The EUPOL COPPS mission has no realistic concept of the impact of its reform mission, although there are indications that some of the outputs produced are measured (numbers of police trained, amount of equipment issued, and so on). Instead, Palestinians do not completely trust their police, specifically seen in the context of cooperating with the Israeli occupation forces, but wait for a time when the PCP will have the ability to truly "protect and serve"

Palestinian citizens. These diverging viewpoints will show that the EUPOL COPPS mission has a fundamental misunderstanding of how to reform the PCP.

In addition, there are multiple pre-existing conditions that hinder the EUPOL COPPS mission's ability to create an effective and legitimate Palestinian police force. These include, first, the Israeli occupation and deepened, but contentious, Israeli-Palestinian cooperation. Working with the IDF has been a requirement for the PA since its inception, inherent in the PA's "hybrid status as a semi-autonomous entity under occupation" (International Crisis Group, 2010). Secondly, intra-Palestinian relations further complicate the situation. After the Hamas takeover of the Gaza Strip in 2007, the PA goals to restore order and advance a state-building agenda in the West Bank inevitably meant targeting organizations that actively pursue resistance against Israel. Lastly, there is a fundamental catch-22 surrounding authority granted to Palestinian security forces. Most Palestinians would welcome expanded authority for their security services, lesser interference by Israel and greater respect for human rights. Under current conditions, however, "many if not most would see these measures as beautifying the occupation — not ending it — and of obfuscating the reality of cooperation with those they believe Palestinian security forces ought to resist" (International Crisis Group, 2010).

## THEORY BEHIND THE MISSION

EUPOL COPPS is a mission under the EU's CSDP. It operates within the EC system, a multinational organization with multiple understandings of the chain of command; mechanisms are complicated and bureaucratic. The EUPOL COPPS core mission is to advise on specific police issues, and within the design of a program, mentor and help local police. Engaging in institutional reform stretches the capabilities of the CSDP

mission.<sup>1</sup> For example, EUPOL COPPS might mentor the PCP in developing a new training curriculum for new police recruits, but fail to develop the interior ministry's ability to finance the training and deployment of the new recruits; therefore, the PA remains dependent on international support.

Operationally, this means that the EC set up the EUPOL COPPS mission with no military presence, to be more interested in rule of law and governance, and with the mandate to spend as long as necessary in order to find out all the information surrounding the mission before developing a program. One US security official explained this as, "the US does and the EU thinks."<sup>2</sup> In the best-case scenario, the time spent thinking will produce a long-term solution, although this has led the United States to criticize EUPOL COPPS for moving too slowly on reform of the PCP.

Any police reform program is fundamentally a political matter. In the context of the Palestinian police, "everything is geared toward the peace process."<sup>3</sup> The EUPOL COPPS position is that the Israelis are an occupying power and therefore have no need to be informed on reform efforts in the West Bank and, thus, the mission engages unilaterally with the PA. If the Europeans want to purchase equipment or build a station for the PCP, they will, if at all possible, buy within the West Bank and deliver it to the PCP and will not inform the Israelis what is being built or delivered.<sup>4</sup> And yet, an official working for EUPOL COPPS stated that the mission is "a technical office and we try not to answer political problems; we separate the political from the technical."<sup>5</sup>

1 Interview with European official, Jerusalem, 2010.

2 Interview with US security official, Jerusalem, 2010.

3 Interview with European official, Jerusalem, 2010.

4 Interview with US security official, Jerusalem, 2010.

5 Interview with EUPOL COPPS official 3, Ramallah, 2011.

Attempting to divide a technical police reform mission from the political context under which it operates is naïve and fundamentally flawed. International state-building operations are inherently political, not benign and selfless (Rubin, 2008). At the end of the day, taking responsibility for only the technical aspects of police reform in the West Bank hides the reality on the ground — trained and improved Palestinian security forces are increasingly operating in a non-transparent manner, at the whim of political leaders. As a European official stated, the question becomes not, "will aid continue to be provided to the PA," but "what can we do to limit the authoritarian measures that are developing?"<sup>6</sup>

The concept of EUPOL COPPS as a CSDP mission is perhaps flawed from the beginning. EUPOL COPPS, with its 53 international personnel, is performing in ways unlike previous CSDP missions. The mission is accomplishing a lot; they are embedded with the police at a central level and now have access to reform mechanisms within the PCP. As one European official noted, "EUPOL COPPS is doing a reasonable job and it is an interesting experiment," but not necessarily the correct composition for the job of reforming the PCP and the criminal justice sector in the broader scheme.<sup>7</sup>

## COORDINATION

The EUPOL COPPS mission has a mandate for coordinating donations from EU member states and the EC, to streamline all projects and avoid duplication. Even within the EU it is difficult to achieve coherence, and resources provided to the security sector and the criminal justice system in the West Bank are not always coordinated or agreed upon. For example, because large numbers of Italian tourists come to visit the holy sites and the Italian government felt it was important that the

6 Interview with European official, Jerusalem, 2010.

7 Interview with European official, Jerusalem, 2010.

police are able to speak to them, they spent €3 million on Italian language training for Palestinian police,<sup>8</sup> instead of, for example, using that money to build four small police stations. The United States and the European Union only learned of this disbursement of funds after the training occurred.

Coordination has proved to be a point of consternation for most international police reform efforts — ranging from Bosnia to Iraq to Afghanistan — and Palestine is no different. Formal coordination bodies were established. A local aid coordination secretariat in the West Bank and criminal justice and security sector working groups in the relevant ministries were created to manage developments in the respective sectors, but these tend to be high-level talking shops. Most of the interviewees agreed that in order to be successful, coordination has to be done at the lower levels. For example, a USSC official and a EUPOL COPPS prisons expert personally worked out a regular meeting with those involved in prison reform in the West Bank. At first, only five people attended; as of November 2010, about 12 participants were attending in order to discuss ongoing developments in prison work. Palestinians were deliberately excluded at first because “if we couldn’t get our [international] act together, we definitely didn’t want the Palestinians there.”<sup>9</sup> A EUPOL COPPS official responded, “We have to persuade the Palestinians to do one thing or the other; we say this is the right way to do it. Because the Palestinian government functions, it is more difficult to coordinate.”<sup>10</sup>

## TRAINING

An estimated 3,000 officers have been trained since the inception of EUPOL COPPS in 2006. According to EUPOL COPPS, the training includes, among other

8 Interview with US security official, Jerusalem, 2010.

9 Interview with US security official, Jerusalem, 2010.

10 Interview with EUPOL COPPS official 1, Ramallah, 2011.

topics, human rights, proportionate response to force, community service, communication skills, crowd control, crisis management, manoeuvring skills, defensive techniques and first aid. The ethics of the course are based on the idea that the police should serve the citizens (Human Rights Watch, 2008).

Training is not just the ability to train within an organization, but also the capacity to absorb it. In addition to being trained, new police forces should be given the ability to train others and themselves. The USSC sends a recruit battalion of Palestinian National Security Forces to Jordan for training because the Jordanians have experience and produce a good product. EUPOL COPPS focuses on “train the trainers” instead; for every course, the goal is to have the PCP take responsibility for future iterations.<sup>11</sup> Birzeit University, just north of Ramallah in the West Bank, has worked with the PCP on education skills, such as planning curriculum and improving capabilities as teachers. EUPOL COPPS forced the PCP to be well equipped to train their own people, leaving a degree of sustainability.

There are missing elements to the training program, which should not only impart technical skills, but also change the attitude and behaviour of the new police recruits to conform to the core policing standards mentioned above — to protect and serve the citizens. However, a Western security official cautioned that reform efforts have been more successful in strengthening the basic professional skills, such as arrest techniques or crowd control measures, than affecting its culture and mindset (International Crisis Group, 2010). Due to EUPOL COPPS insistence on separating the technical mandate of its mission from the political reality in the West Bank, the trend of Palestinian police officers having improved police skills without a true awareness of how a police officer should function in this environment will continue.

11 Interview with EUPOL COPPS official 3, Ramallah, 2011.

## INSTITUTIONAL REFORM

Capacity building at the Ministry of Interior (MoI), within the West Bank government, has largely focused on strengthening the capacity of the Strategic Planning Division, which is a small group responsible for conducting longer-term strategic planning for the ministry and the Palestinian security forces (US Government Accountability Office [US GAO], 2010). While the MoI has de jure control over the PCP, it is sidelined for its weak capacity and reluctance to be transparent.<sup>12</sup>

For example, since April 2010, the minister of interior of the West Bank government, Said Abu-Ali, has hosted weekly security meetings, at which strategic decisions are jointly taken. Before April 2010, weekly meetings were held with Prime Minister Fayyad, deliberately excluding Abu-Ali.<sup>13</sup> Many key decisions continue to be taken elsewhere, including by security chiefs in direct consultation with Fayyad and other political actors. These imbalances of power are indicated by the fact that individual security agencies can bypass the MoI and largely keep authority in financial matters, including budgeting, and, in some, cases aid.

Security services are not controlled very well by anyone. The MoI has tenuous control over the PCP, but the chief of police will say straightforwardly that he does not listen to Minister Abu-Ali.<sup>14</sup> President Abbas and Prime Minister Fayyad are keeping the Palestinian security forces close, undermining the MoI. There are no institutionalized roots for the chain of command for the security forces. While the MoI has made progress in controlling the budgets of the security forces, in practice it is not really visible.

<sup>12</sup> Interview with European official, Jerusalem, 2010.

<sup>13</sup> Interview with US security official, Jerusalem, 2010.

<sup>14</sup> Interview with European official, Jerusalem, 2010.

Instead of a more comprehensive SSR approach, EUPOL COPPS has focused capacity reform efforts at the level of the PCP as a force, but has failed at the ministry level to reform its institutional capacity for civilian oversight, budget and planning, organizational design, or corruption control, to name a few of the major areas of institutional reform.<sup>15</sup>

## MONITORING AND EVALUATION

Among the primary challenges to institutional reform is objective and informative monitoring of assistance programs and the progress achieved (Bayley and Perito, 2010). A CSDP mission is not a monitoring mission, which is a fundamental flaw in the set-up of EUPOL COPPS. This civilian, police and rule of law mission is based only in mentoring, training and advising. This is an important distinction. EU Monitoring Missions (such as EUMM-Georgia and EUMM in the former-Yugoslavia) have the mandate to ask questions and demand access to institutions, data and information. These missions have field specialists who conduct routine inspections within the stipulated zone of the mission, can ask and keep records and, as a consequence of that data, give or withhold support and guidance (European Union, 2011). EUPOL COPPS is not a monitoring mission, and cannot measure outcomes of its aid because there is no control over the information. EUPOL COPPS receives information that the Palestinians want to divulge, and “everyone knows there are lots of things they aren’t telling us.”<sup>16</sup>

To an extent, the Palestinians do not want the international community to monitor the impact of their support, because they do not want to be exposed and, simultaneously, the international community is reluctant to press for that information because they do not want

<sup>15</sup> Interview with European official, Jerusalem, 2010.

<sup>16</sup> Interview with US security official, Jerusalem, 2010.

to provide Israel with ammunition against the PA. The ability for spot-checking does not exist; after the security forces are put through training and are returned to the PA, the international community loses sight of where those forces are placed or what they are doing. Donors must seek approval in advance from the chief of police in order to conduct spot checks. There is no real monitoring mechanism in place.<sup>17</sup>

The PCP itself clearly lacks a mechanism to measure progress, set targets and evaluate performance. A EUPOL COPPS official asked, “If the PCP cannot mark their own progress, how can we?”<sup>18</sup> The training department of EUPOL COPPS does run assessments on the training, following a classified Mission Implementation Plan, with articulated benchmarks and milestones. From remarks in interviews, however, this plan does not account for public opinion of the police or any real monitoring of police activities after training is complete. It is unclear if these assessments ask for feedback on the utility or applicability of the training program from the police trainees themselves.

In general, for police and for the security sector, there are no baseline assessments,<sup>19</sup> but as a European official stated, institutions cannot be built without measuring success. Broad indicators of success, such as greater public confidence in the PCP, and larger improvements in parts of the PA cannot be attributed to specific inputs of EUPOL COPPS, because they do not monitor their programs.<sup>20</sup> As Table 1 shows, in 2007, after the Hamas-Fatah internal war, almost the same percentage of Palestinians who trusted the PCP trusted the Al Aqsa Martyrs Brigades, an organization listed as a terrorist organization by the US State Department. In 2009, when

17 Interview with EUPOL COPPS official 5, Ramallah, 2011.

18 Interview with EUPOL COPPS official 3, Ramallah, 2011.

19 Interview with European official, Jerusalem, 2010.

20 Interview with US security official, Jerusalem, 2010.

asked why they did not report a criminal act to the police, over 80 percent of Palestinians stated that either they did not trust the police or they had no faith in the ability of the police to do anything (Palestinian Center for Policy and Survey Research, 2009).

Table 1: Do you have or do not have trust in the following armed groups and security services?

	Police (Total %)	National Security Forces (Total %)	Al Aqsa Martyrs Brigades (Total %)	Izzeddin al Qassam Brigades (Total %)
Certainly have trust	10.8	9.5	9.8	12.9
Have trust	46.8	38.8	39.8	32.4
Do not have trust	25.5	30.6	28.8	30.7
Certainly do not have trust	11.3	11.5	12.5	15.8
Don't know /NA	5.6	9.6	9.1	8.1

Source: Palestinian Center for Policy and Survey Research (2007). Poll No. 24. June. Available at: [www.pcpsr.org/survey/polls/2007/p24e2.html](http://www.pcpsr.org/survey/polls/2007/p24e2.html).

EUPOL COPPS operates under looser assumptions to evaluate its work. Comments on evaluating their progress include, “You can see the PCP is now adopting this [programmatic] way to work,” and “You can feel a positive and open cooperation with the PCP,” or “Now they’re thinking in this more modern way, in a more long-term thinking way,” and “They think, instead of being a police force, to be a police service.”<sup>21</sup> While this analysis is important, it is not a truly effective evaluation mechanism and should not be accepted by donors or by the Palestinian people as a formal assessment of the EUPOL COPPS mission.

Assessments of the EUPOL COPPS mission to reform the PCP should receive proper feedback from Palestinians — but neither EUPOL COPPS nor the PCP is studying this information. Without a clear understanding of what the constituency wants or needs from its police force, the reform of the PCP remains disconnected, not only from the political context but also from current reality. There

21 Interview with EUPOL COPPS official 3, Ramallah, 2011.

is a desire to survey public opinion, capturing both daily problems and perceptions of the police in general, but this is seen as “expensive and complicated.”<sup>22</sup> While Palestinian human rights NGOs conduct such public perception surveys, for example, the survey shown below in Table 2, they are limited by traditional NGO financial and time constraints and, perhaps more importantly, not one EUPOL COPPS official mentioned using or knowing of these opinion surveys.

Table 2: Would you say that these days your security and safety, and that of your family, is assured or not assured?

	June 2007 (Total %)	September 2011 (Total %)
Completely assured	4.3	7.7
Assured	21.9	58.9
Not assured	48.6	27.2
Not assured at all	24.6	4.7
Don't know/NA	0.5	1.5

Sources: Palestinian Center for Policy and Survey Research (2007). Poll No. 24. June. Palestinian Center for Policy and Survey Research (2011). Poll No. 41. September.

It is important to capture the image of the police in the eyes of ordinary Palestinians, which EUPOL COPPS training programs fail to address. The traditional stereotype of police personnel who exercise their authority by instilling fear, combined with knowledge that the Palestinian police cooperate with the Israeli occupying force on security and law and order, ensures Palestinian distrust in their police. This was clearly articulated by media and local NGOs in the aftermath of the youth movement non-violent demonstrations in the early spring of 2011, as the Palestinian police responded violently to groups of Palestinians and internationals gathering in major cities around the West Bank (Alternative Information Center, 2011).

Civil police are not designed to tackle organized counterterrorism activity. From the outset, however, counterterrorism to support Israeli security needs was a

major component of the duties of the Palestinian security forces — and, as the Palestinian police retain authority over arrests, the PCP are deployed to work alongside the NSF for such purposes. The role of police in successful counterinsurgency efforts, however, should be to establish relations with the public, protect citizens against violence, and work as a component of the criminal justice system along with effective courts and prisons (Perito, 2009). Only by preparing the PCP to perform this role can EUPOL COPPS accomplish its objective to create a stable West Bank.

## POLITICS AND THE BROADER SECURITY ENVIRONMENT

The security environment in the West Bank does not exist in a vacuum, however. Reform of the Palestinian police occurs under the contexts of an overall sense of security, the intra-Palestinian split and Israeli occupation. Member of the international community risk becoming enduring players in domestic power struggles, rendering the security achievements they have helped advance fragile and reversible (Sayigh, 2009).

Palestinians, Israelis and donors virtually all agreed from the outset on the need for security forces to restore order in the West Bank in the wake of the intifada-generated chaos. Palestinians, including many sympathetic to Hamas, saw security forces as essential to restore some normalcy; the PA viewed reform as a means to establish greater monopoly over the use of force; and Israel believed it was necessary to dismantle militant groups. General Palestinian fatigue with chaos and desire for calm, as well as the decision by Palestinian political leaders to forego violence, account for overall quiet as much as any amelioration in the security services.

<sup>22</sup> Interview with EUPOL COPPS official 2, Ramallah, 2011.

A second factor is the intra-Palestinian split. The Ramallah-based authorities have continued to refuse recognition of the Hamas government in Gaza. This struggle between Hamas and Fatah has had a major impact on Palestinian lives. For the first time since Israel occupied Gaza and the West Bank in 1967, more Palestinians in the occupied territory died in 2007 as a result of internal Palestinian fighting (at least 490) than from Israeli attacks (at least 396) (Human Rights Watch, 2008). The cleavage has paralyzed the Palestinian Legislative Council, allowing power to be concentrated in the respective executive powers and blocking desperately needed legal reform.

Perhaps most importantly, the PA operates under limitations imposed by the Israeli occupation. Israel sets limits on everything international donors do in the West Bank. EUPOL COPPS needs approval from Israel on everything.<sup>23</sup> According to media reports and interviews, the Israeli government has placed significant restrictions on the extent of training, aid and equipment from the United States, EUPOL COPPS and other sources, afraid that Palestinian forces will turn against Israel itself.

Working with the IDF has been a requirement for the PA since its inception; in fact, it is a prerequisite for its creation, inherent in its hybrid status as a semi-autonomous entity under occupation. Palestinians are ill at ease, however, at the sight of their security forces teaming with their occupiers. Cooperation is one-sided, an asymmetric exercise complying with Israeli orders. Repeated, often unjustified and humiliating IDF incursions into Palestinian cities, and strict limitations imposed on PSF areas of operation, undermine the symbols and reality of indigenous empowerment.

<sup>23</sup> Interview with EUPOL COPPS official 2, Ramallah, 2011.

## BROADER IMPLICATIONS

Even though many of the deeper, more significant reforms are still underway and have yet to reach fruition, the security reform program writ large has been judged successful. A West Bank governor said, “Improving the police’s image as a trustworthy service provider is key to enhancing the PA’s legitimacy, and things slowly are getting better in this respect” (International Crisis Group, 2010). It is hard, however, to evaluate the security forces in the absence of a real test, which — Operation Cast Lead notwithstanding — has yet to materialize.<sup>24</sup>

Reality on the ground from the perspective of ordinary Palestinians tells a different story. While EUPOL COPPS has, perhaps, successfully imparted technical skills to the PCP, the achievements cannot conceal more controversial dynamics. Israeli security concerns require cooperation between Palestinian security forces and Israeli authorities, using the Palestinian police to suppress security threats to Israel that emanate from Palestinian territory, in contradiction to the overriding Palestinian desire for their police to protect and serve their community. Palestinians equate security with ending Israel’s occupation and establishing sovereign control over their land, and are ill at ease at the sight of their security forces working with their occupiers. The fundamental difference between Israelis and Palestinians over what constitutes security threatens the very prospect of peace (Crouch, Meigs and Slocombe, 2008).

There are multiple examples of the lack of trust between Palestinians and their police service. One Palestinian recounted a story of being pulled over by a Palestinian policeman after running a red light in her car. Having grown up in the United States for most of her life, she was ecstatic that the PCP was effective and functional in restoring basic law and order on the street. She received

<sup>24</sup> Interview with European official, Jerusalem, 2010.

the traffic citation, but never paid the fine, expressing a sense of indifference about real consequences ever emanating from the police.<sup>25</sup>

The actions of the entire Palestinian security forces, the PCP included, during the pro-Egyptian and pro-Tunisian rallies in Ramallah in February 2011 are also telling. Although the PA leadership promised to ensure the safety of protesters, the security forces resorted to excessively violent suppression tactics, including arbitrary arrests and disproportionate use of force.<sup>26</sup> The March 15 Youth Movement protest, which occurred in multiple cities throughout the West Bank, was co-opted by both political groups, Fatah and Hamas, and suppressed multiple times a day for several days. The police were active participants in the violent acts against Palestinian citizens and international observers alike.

Broad swaths of civil society protest what they see as a campaign of intimidation targeting critics of the PA and bemoan what most Palestinians consider the creation of a “police state.” This internal disaffection is perilous at a time when Palestinian security cooperation with Israel is on full display, and skepticism and cynicism toward the diplomatic process and prospects for a peace agreement remain high. The least problematic force appears to be the civil police, who deal primarily with common crimes, but they still operate under the security system that encourages political repression and in an environment of impunity.

Seeking to make states work in the interests of national security both understates the nature of the problem posed by weak institutions and overstates the capacity of intervention to resolve it (Chesterman, Ignatieff and Thakur, 2004). In the case of the West Bank, seeking to make the PCP work in the interests of Israeli and

international security does not build viable or legitimate Palestinian state institutions. Legitimacy of the security forces is, to a large extent, still missing. International actors’ failure to connect the security sector with the political reality destroys opportunities to build legitimacy for the security forces. The seeming success of Fayyad’s SSR agenda has been built on the belief that the situation has deteriorated to the point that Palestinians are prepared to handle deepened security cooperation with their foe; as the situation normalizes over time, however, they could show less indulgence. If the Israeli-Palestinian negotiations fail to commence soon and the aftermath of the Palestinian statehood bid at the United Nations dissipates any remaining hope for an agreement, Palestinian security forces that are seen as illegitimate to begin with might find it difficult to continue their existing posture.

In this regard, although the real failure is one of the peace processes, the EUPOL COPPS mission has failed. The insistence on separating the teaching of technical skills from the political reality and the overall security system has created a police force that is highly skilled and yet easily co-opted by political leaders. Without comprehensive, simultaneous institutional reform of the MoI, which remains weak compared to the executive branch leaders, the police are a tool used discriminately. Additionally, without any attempt to change the behavioural aspect of the police, to create a sense of core policing, EUPOL COPPS has failed to develop a truly professional police force that caters to the demands of the Palestinian population. Lastly, with no mechanism to receive feedback from Palestinians themselves, EUPOL COPPS continues to operate at a disadvantage regarding the composition or duties of a Palestinian police force that would operate under a future independent Palestinian state.

25 Interview with Palestinian, Ramallah, 2010.

26 Observations, throughout Israel and the West Bank, 2010-2011.

## RECOMMENDATIONS

The international community reads the current situation in the Palestinian Territories placing Fatah pre-eminence and Israeli security as the sine qua non of any successful peace process, and if those have to be achieved at the cost of police professionalism or public input, so be it. American experiences in Iraq have shown that the inability of the various actors (US Departments of State, Defense, and Justice, and the Iraqis) to achieve a common understanding of the roles and missions of the Iraqi police ultimately resulted in the creation of police units independent of and beyond the control of the United States. Europeans, Americans and Israelis, let alone the Palestinians, have differing views on the role of the PCP, precluding the emergence of a strong, legitimate security force upon which both Palestinians and Israelis would depend to achieve and sustain a peace agreement. Under present circumstances, many Palestinians will see these recommendations as beautifying the occupation and obfuscating the reality of cooperation with Israelis, those they believe Palestinian security forces should resist.

First, operational recommendations call for the following:

- A baseline survey should be conducted prior to program implementation in order to comprehensively assess the reality of the security situation in a context-specific manner. In other words, the program team must understand the specifics of the situation in which they will operate, then establish benchmarks, progress goals and both monitoring and evaluation mechanisms.
- A police reform program must practically and significantly reform the institutions supporting the security forces. Without the support of a strong institutional body (usually in the form of the MoI), political forces easily twist the security forces, causing the deterioration of the security sector in general.

- A monitoring mechanism must be established from the outset of the police reform mission. Monitoring will ensure continuous spot checks on the effects of the program objectives, both intended and unintended, throughout the duration of the mission.
- Public opinion needs to be included in a police reform program. The police's core duties are to protect and serve the population. Without organized interaction with the public, however, the gap between the police and the public will prove destabilizing and delegitimizing to the government.

Secondly, the international community needs to realize the imperative of progress on the political peace process. From the beginning, virtually all Palestinians, Israelis and donors agreed on the need for security forces to restore order in the West Bank after the intifada-generated chaos; other aspects of the PA's security reform agenda are more controversial. As evidenced from Iraq to Afghanistan, political motivation with popular assessments of whether the security forces are credible, professional and legitimate are perhaps the most important variables. In the West Bank, the continuing Israeli occupation and the lack of a single, legitimate Palestinian leadership to implement a national strategy complicates the situation. In this environment, security coordination with Israeli is widely disdained. The line between cooperation and collaboration is a thin one, which is a virtually insurmountable challenge for the Palestinian security forces to win Palestinian hearts and minds. Security reform can only survive as long as the political horizon does.

There are reasons to be wary about the capacity of external action to address internal governance problems. Much of the EUPOL COPPS program has both undermined governance structures, by providing a service without reforming the Palestinian ministry institutions, and established structures that are unsustainable. Engagement with such post-conflict states requires an understanding

of the local dynamics of power. International assistance, which does not exist in a vacuum, can be necessary, but it is never sufficient to establish institutions that are legitimate and sustainable. Without a credible Palestinian-Israeli peace process, Palestinians will remain trapped, building a state still under occupation, deepening cooperation with the occupier in the security realm as they seek to confront it elsewhere, and reaching an understanding with their enemy even as they are unable to reach an understanding among themselves.

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