



Final conference of promoting gender equality and implementing the CEDAW convention in the Palestinian security forces. Photo: DCAF Ramallah.

Strategy for Palestine

2021 - 2023

Introduction

DCAF has supported institutions and civil society across the occupied Palestinian Territory (oPT) without interruption for over 16 years, having first established an initiative to provide security governance advice to ministers and senior security officers in 2005. Despite some initial and cautious optimism following the 2006 legislative elections, the events that led to the ongoing internal split between West Bank and Gaza have overshadowed Palestinian politics ever since, hence adding yet more complexity to the prospective implementation of the already weakened 1995 Oslo Accords. Despite increased challenges, DCAF continued to work alongside Palestinian institutions and people throughout this period. In doing so it has gained substantial and unrivalled experience, earning a high degree of access and trust amongst stakeholders.

DCAF's overall objective remains to generate an impact towards a more legitimate and trusted security sector that respects the rule of law and ensures human rights. In Palestine, the primary outcome through which DCAF aims to achieve its objective is ensuring that security institutions are both accountable and effective - as has been the case throughout long years of partnership. This strategy will illustrate how our analysis of the problem space - as viewed through an SSR/G lens - has led us to define five intermediate outcomes, namely: strengthened oversight; improved transparency; clarified and more coherent legislative frameworks; enhanced inclusive consultation to identify and define security needs; and consolidated capacities of security providers make them able to respond to those needs.

While DCAF has, through its multi-annual and multifaceted engagement, formed an extraordinarily rich understanding of the Palestinian context, this is a highly dynamic

context that is ever shifting. This strategy therefore examines afresh the challenges faced by the population and institutions living and working through the particular circumstances in Gaza and the West Bank and lays out our response for the next 2 years. The aim is to build on what has worked, learn from what has not and, overall, better understand why certain challenges persist and some reforms become entangled, thus identifying ways to bridge the gaps that continue to undermine institutional legitimacy and people's trust.

Contextual challenges

Why good security sector governance is crucial in Palestine

Palestinian political division and occupation continue to pose obstacles to the building, consolidation, legitimacy, and efficiency of Palestinian institutions and effective service provision. While Fatah and Hamas have taken steps towards reconciliation and appeared committed to holding elections in 2021, the lack of a shared vision for a political future continues to obstruct progress and meaningful reform.

The COVID-19 pandemic and resulting state of emergency have further compromised oversight mechanisms and presented a challenge to existing legislation, exposing citizens to the risk of abuse under unfamiliar new emergency powers by the Palestinian Authority Security Forces (PASF). Equally, the global health crisis has underscored the importance of well-coordinated, effective, and professional security providers, appropriately equipped to respond in a service-minded way that is centered on human security and dignity.

Occupation of the West Bank, and annexation of East Jerusalem, present substantial obstacles to service provision and institution-building. The PA exerts security and political control over Area A only, and controls Area B jointly in coordination with Israel . Movement between these areas is limited and requires coordination, which is slow, preventing the PASF from providing services and tackling crime. This also leads to another important challenge to confidence and credibility, especially as criminal elements easily achieve “safe haven” beyond the jurisdiction lines of PASF.



Annual conference on the role of research in security sector reform in the Palestinian security establishment, Al-Istiqlal University. Photo: Al-Istiqlal Center for Strategic Studies.

While Gaza is likely to continue to receive vital humanitarian aid, lack of support to justice and security providers and the difficulties of working with the dominant authority there, restricts the provision of even the most basic security services. PASF members that remained in Gaza after the 2007 election but opted not to work for the newly elected authority, are unable to perform their duties, weakening security capacity and provision.

The economic difficulties, compounded with political deadlock and continued social unrest, are all factors that contribute to, and highlight the fragility of, the Palestinian security apparatus, and underline the imperative for greater organizational resilience and solid popular support. Improved funding, whenever and however that may eventually be possible, will only have a minor impact if the necessary structural reforms are not implemented to ensure longer term resilience and sustainability. Being a key component of the PA, as well as a critical element that helps sustain

the remaining “peace accords” arrangements, regardless of their fragility, PASF institutional strengthening continues to be a critical conditions to sustain the bid for a two states solution.

The Palestinian security sector remains the largest of the public sectors. International assistance has focused for many years on train-and-equip programmes, with only a fraction invested in improving governance and accountability. Owing to its size, citizens see the security sector as the state’s principal representative and lack of trust in its institutions, particularly around perceptions of corruption, directly translate into a lack of faith in the PA itself. Improving internal governance of the security sector is therefore crucial to improving overall governance within the PA - as well as to enhancing its levels of legitimacy and support by the people.

Reform of the Palestinian security sector remains crucial to regain and retain legitimacy and responsiveness, through:

- improving transparency and accountability;
- reducing corruption and increasing the impact of international investment;
- limiting exclusion - specifically of women, youth and the vulnerable - from decision making and consideration of security needs and dialogues;
- enhancing PASF resilience and sustainable capacity to deliver security to all Palestinians with no discrimination or exclusions;
- improving service delivery and enhancing the popular legitimacy of the security forces and, as a result, of the PA authorities at large;
- making security institutions more effective and efficient;
- reducing the risk of torture/ill treatment, and improving prison conditions;
- addressing the root causes of violent extremism and limiting the space for grievance;
- enabling Palestinian state-building to create the conditions for stability and lasting peace;
- facilitating reunification and the conduct of successful elections; and
- creating better conditions for safety and stability as a pre-condition for sustainable development.

Key challenges to security sector governance

In approaching SSR/G related challenges in any given context, DCAF undertakes a comprehensive context analysis, examining oversight of security actors, the adequacy of legislative frameworks and the ability of service providers to respond to civilian needs. In the Palestinian context, the following pre-eminent threats were identified:

Ineffective oversight

The continued suspension of activities of the PLC since 2007 lies at the heart of problems preventing effective security sector oversight. The role and importance of oversight bodies – whether official, independent or informal – needs to be accentuated to promote accountability. These include formal institutions such as the State Audit and Administrative Control Bureau (SAACB) and complaint-handling units; ‘advisory organs’ such as the Independent Commission for Human Rights (ICHR) and the Palestinian Anti-Corruption Commission (PACC), and also informal actors amongst CSOs and the media.

In a number of key instances, obligations under international treaties remain unfulfilled. In 2017 Palestine acceded to the Optional Protocol to the Convention against Torture (OPCAT) although to date it has not been able to establish a National Preventative Mechanism (NPM).

Oversight bodies struggle to fulfil their mandate, suffering from limited resources, lack of knowledge and access. Formal bodies require political backing and, in the absence of a functioning legislative authority, license from the executive authorities to enable them to issue binding decisions. Informal actors require capacity and international fora through which to share ideas.

Insufficient communication and information-sharing

There are few mechanisms promoting dialogue over security matters between the PA, Palestinian security and justice institutions, and the population they are meant to serve. Efforts to effect reform within the security sector – its plans and initiatives – are neither presented nor do they penetrate the public conscience. Correspondingly, public engagement in shaping discussion around security provision is lacking. This becomes even

more relevant given the challenges faced by PASF to ensure the equal and inclusive provision of security to all Palestinians regardless whether they live in areas A, B or C. Without engagement and public dialogue general trends, such as worsening perceptions from citizens with direct experience of security forces, remain unaddressed and perpetuate a legacy of mistrust.

Historic trends also highlight the importance of how partisanship impacts perceptions of security. In the West Bank, polls measuring positive perceptions of safety and security recorded 62% satisfaction among supporters of Fatah and independent nationalists, but the same indicator did not exceed 46% among supporters of Hamas, Islamic Jihad, and independent Islamists. Good communication and effective complaints mechanisms are needed to ensure that disenfranchisement can be addressed.

Lack of a clear legal and policy framework

Palestinian security providers operate under legal frameworks mainly articulated around the 2003 Amended Basic Law and the 2005 Law No. 8 – the Security Forces Service Law. Provisions lack clarity over service mandates and mechanisms to ensure accountability. This imprecision particularly affects the roles of each security service, the tasks assigned to them, the mechanisms enabling oversight, and the privileges granted to security forces. Restrictions on their powers are inconsistent with international good practice and such shortcomings lead to dissent highlighting, for example, the high number of instances of arbitrary detention and reports of torture. Mechanisms to address such practices struggle to compete for resources and support, as previously highlighted.

A second issue concerns expanding deviation from originally uniform legislation in the West Bank and Gaza, resulting from the different legislative processes adopted between competing authorities. A 2019 DCAF study reported on the growing related challenge (overlapping and inconsistent legal provisions) that will be faced in terms of political reunification, should elections be held and result in the election of unified governance bodies (parliament).



Security services do not adequately reflect societal demographics and security needs

The security forces are not inclusive or representative of the communities they serve in terms of age or gender. Females comprise just 6% of security personnel, undermining legitimacy and the efficiency of the Palestinian justice and security sector. The continued division between the West Bank and Gaza widens service cultural gaps, particularly in terms of service provision and the way in which providers function and operate and the standards to which they do so.

Studies continue to show that women are less likely to access security services in the oPTs. DCAF's qualitative assessments continue to reinforce the understanding that this is a consequence of a lack of awareness, a lack of trust, and, in cases of domestic abuse, the stigma attached in reporting it. The State of Palestine Security Sector Strategic Plan (SSSP) for 2017-2022 acknowledges the problem and prioritises initiatives to enhance access to security services within communities, with timely emphasis on family protection and responsiveness to gendered needs.

Weak strategic planning and management

Palestinian executive and security providers lack familiarity with the required tools and tasks for effective strategic planning and policy formulation necessary for effective service provision. The SSSP goes on to identify specific deficits in human resource planning and management, communication with citizens, force planning, budgeting, and monitoring and evaluation.

A decade of efforts to improve governance have cemented a fundamental inconsistency in international approaches towards Palestinian SSG, exemplified through a policy implemented in 2007 when two services (namely the National Security Force and the Presidential Guard) were effectively placed beyond parliamentary control. This deviation from principle impacts good governance across the sector today. It is evident through multiple failed attempts to harmonize service roles, organizational structures, and reporting chains, and has resulted in overlapping missions, service rivalry, and inefficient use of resources.

Workshop on developing indicators for annual complaints in May 2021, in cooperation with the Directorate General of Complaints, the Council of Ministers, the National Complaints Team and ICHR. Photo: DCAF Ramallah.

DCAF's approach

National actors hold the primary responsibility for undertaking SSR. DCAF focuses on accompanying national efforts and processes in a way that reinforces local ownership. When advising national authorities, DCAF will always seek to provide comparative perspectives, as well as existing good practice, and will seek to tailor advice to best address the national context and needs.

DCAF prioritises building trusted partnerships with national actors, emphasises the impartial nature of its advice, applies a holistic approach to SSR, and supports all security sector actors - those providing, managing, controlling and overseeing security and justice. DCAF also cooperates with and supports international actors with whom DCAF shares a common objective.

The overall objective of DCAF's engagement in Palestine remains to contribute to peace, stability and democracy by supporting good governance of the security sector. This is mainly achieved through:

- facilitation of policy dialogue and security cooperation;
- design and implementation of programmes providing tailored capacity building and policy advice to executive, legislative and judicial authorities;
- development of policy and knowledge products, tailored to influence policy and underpin capacity-building processes;
- expert backstopping support for local civil society organisations to engage in related policy research and in promoting human-centered SSR;
- support to international actors engaged in SSG/R to ensure their engagement is coordinated and in line with international good practice.



Objectives

DCAF's response

DCAF works in support of a comprehensive Palestinian security sector reform process, that ensures respect for the rule of law and human rights. Responding to the challenges identified, and fully integrated with the international efforts, DCAF will focus its interventions on achieving outcomes responding to the context presented above. In doing so, DCAF focuses on contributing, through its programmes in Palestine and fully in line with its wider MENA strategy, towards the fulfilment of its corporate objectives, namely:

- Objective 1. Reaffirm the value of democratic governance in addressing current and emerging security challenges.
- Objective 2. Enhance engagement in fragile and conflict-affected contexts
- Objective 3. Strengthen contributions of SSG/R to international policy and practice

To ensure its engagements respond to the identified challenges, DCAF will design programmes along these five tracks of intervention:

Track 1: Reinforcing oversight

DCAF will design, develop, and articulate interventions that aim at strengthening formal and informal oversight mechanisms, focusing on:

- Supporting citizens' complaints mechanisms. DCAF will support mechanisms that allow citizens to submit complaints of misconduct or violations by public institutions and security agencies, and be able to obtain a response and redress.
- Strengthening financial oversight of the security sector. DCAF will develop the capacities of formal and informal oversight actors, including civil servants and security sector representatives, to perform financial oversight of the security agencies. It will also support and build the internal capacities of PASF financial management and internal control mechanisms. This aims to combat corruption and mismanagement and to build public trust.

- Strengthening informal oversight by civil society and the media. DCAF will develop the research, advocacy, and reporting capacities of civil society and media organisations enabling these to hold authorities and security agencies to account.
- Supporting oversight bodies. DCAF will continue to support the institutional establishment of an NPM to counter torture in detention. It will also continue to support independent institutions such as the ICHR. DCAF will also re-engage with the Palestinian Legislative Council when it is once more able to function.

Track 2: Improving communication and access to information

To address corruption and increase transparency and public trust, DCAF supports security agencies and other public institutions on more effective communication and information-sharing. The aim is to improve public access to information concerning the security sector, empower media and other oversight actors, thus promoting accountability. DCAF aims to:

- Promote transparency by fostering debate on recent developments in the security sector. DCAF assists security sector actors in improving their public communication and works with local CSOs to provide a public platform upon which topical issues can be presented and discussed. DCAF also monitors and disseminates security sector related news and analysis on its open access Marsad platform employed in countries across the MENA region.
- Providing public access to security sector legislation. DCAF will continue to develop its legal databases providing an open resource for Palestinian legal texts in Arabic and English.
- Promoting accountability through effective complaints mechanisms. DCAF will continue its partnership with the Council of Minister's General Directorate for Complaints, prioritising its work with the police.

Track 3: Regulatory assistance

DCAF fosters the capacity of local stakeholders to develop effective Palestinian legislation in line with international standards. DCAF will prioritise projects:

- Reviewing and providing recommendations to improve security sector legislation. DCAF will support the drafting and assessment of locally owned legal texts, public policies, and strategies for good security sector governance.
- Supporting efforts to clarify the roles and mandates of the security forces. DCAF assists the PA in establishing a modern regulatory framework for its justice and security sector to provide clarity and coherence.
- Harmonizing legislation. DCAF will monitor and track divergence between legislation in the West Bank and Gaza, in inconsistencies between presidential decrees and ultimately in codification of security sector legislation.
- Providing assistance to ensure compliance with international conventions. Work will continue supporting the government, and in particular the justice and security sector, to comply with its international obligations, including reviewing draft legislation, and ensuring its compliance with international standards.

Track 4: Inclusive dialogue over security needs of all Palestinians

DCAF will support national and local efforts to improve the gender balance amongst security forces and will work to promote the security needs of all Palestinians. DCAF will:

- Support a more gender-inclusive security sector. DCAF supports the involvement of women in security sector reform and promotes the specific security needs of all citizens in legislation, policies, strategies and budgets. Specifically, through partnership with the PASF Gender Consultative Committees, DCAF supports the Palestinian Security Forces in mainstreaming gender and implementing UN Security Council Resolution 1325.

- Develop community safety capacities. DCAF will bring together Palestinian governorates, security providers and communities to assess and communicate local security needs, promote community safety councils and formulate strategies to tackle local security concerns.
- Build gendered Disaster Risk Management capacities. DCAF will work with communities and local security providers, building methodologies to develop disaster risk reduction strategies, prioritising the needs of women and children.
- Support the identification of emerging challenges and needs, and the articulation of creative responses. DCAF will work across existing divides, both within the Palestinian society and across the border to their neighbours, to support joint initiatives that aim at addressing emerging security challenges. This includes enhancing response capacities to health crisis, humanitarian needs, environmental problems and climate change impact on security and peace building, or the mechanisms necessary to secure vital resources and their responsible use and distribution, such as water, as an element of peace.

Track 5: Support to managing change

DCAF contributes to the development of strategic management skills and structures to enable representatives of the Palestinian authorities to adjust their planning to the strategic environment. In particular, DCAF will provide support to:

- Develop more resilient and sustainable structures of security agencies. DCAF will support the reform of security structures to increase the effectiveness and responsiveness of the security sector. This will involve assistance to internal structural reform and policies as well as training of staff on their duties, responsibilities and obligations under the law towards the public.
- Enhance service delivery and health care provision in Palestinian detention facilities. DCAF will continue its work with the General



Department of Prisons, security agencies involved in the management of detention centres, the Ministry Justice, Ministry of Social Affairs and the Ministry of Health promoting good governance and ensuring respect for prisoners' rights. DCAF will work to ensure oversight bodies are able to monitor and inspect places of detention as part of its work in support of OPCAT implementation and the establishment of an NPM.

- Develop the strategic planning and policy-making capacities of Palestinian authorities. DCAF will assist the ministries of interior and justice, and local governorates, in improving their strategic planning, assisting them in elicitation and articulation of their vision and mission, providing the foundation for effective reform and development plans.
- Build the capacities of training centres and educational institutions for the security forces. DCAF will equip the next generation of senior security leaders with the right skills and knowledge to address reform needs, embedding the principles of good SSR/G. DCAF works with training institutions, shaping academic curricula, ensuring adherence to international standards.

- Inter-agency coordination to ensure efficiency of services provided: DCAF will support better collaboration and coordination between and within security agencies. This includes work with security institutions (e.g. National Security Forces, Military Intelligence, and Military Justice) to clarify roles and responsibilities as well as relationships between agencies. It may also involve working on enhancing the relationship of various units within the same agency (e.g. complaints units with legal and gender units).

Implementation

The efficient implementation of DCAF's Palestine strategy will be ensured through the development of flexible annual workplans that need to be anchored in, and consider the factors identified in, DCAF's wider strategy for the MENA region. These include, but are not limited to:

Strengthen partnerships

Following years of solid relationships with local partners, DCAF shall continue to consolidate those partnerships across the Palestinian territories, but also across the many divides they continue



Youth marathon for the rule of law, part of a community safety project by DCAF and SHAMS in Jenin. Photo: DCAF Ramallah.

to face. DCAF will also leverage the experience gained from Palestine to support activities in other countries, within and beyond the MENA region, and vice-versa.

DCAF will also remain flexible and adaptable to the changing context. In addition, crises specific to the Palestinian context (internal splits and a stalled peace process) or global ones (i.e. COVID-19) will be monitored to ensure that potential impacts on longer-term programming is addressed through adaptive responses and solutions.

Staffing and deployment

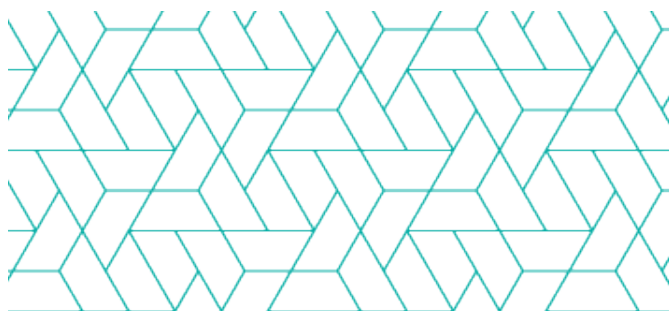
DCAF's structures and approach will continue to evolve to meet partners needs and to ensure efficient programme delivery, response capacity, value for money, and maintenance of DCAF's reputation as a leading knowledge-based organization. Internal cooperation and synergies within DCAF shall help to optimize DCAF's impact and to capitalize on its in-house expertise.

The value of DCAF's field presence in Palestine has been further underscored by COVID-19. The field office not only provided valuable local expertise

and insights, but also play a key role in ensuring continuity of operations throughout all times, especially during the crisis. Therefore, the role of DCAF's Ramallah office, in combination with remote advising, will remain central in the coming years, with the added advantage of minimizing DCAF's carbon footprint by reducing the need for travel.

Evolution in the context of COVID-19

Throughout the global pandemic in 2020, DCAF adapted its operations to provide the best possible support to partners facing a rapidly evolving situation. E-learning and remote advising, combined with direct support where possible through our field office, have become an increasingly important part of DCAF's offer. These forms of support will be further expanded and enhanced in the coming years, as they offer an excellent way to engage more frequently with a wider range of stakeholders. DCAF is already working with partners to capture lessons learned and identify new opportunities for SSR emerging from the pandemic and the government's response to it.



DCAF Geneva Centre
for Security Sector
Governance

DCAF is dedicated
to making people
more secure through
accountable and effective
security and justice.

For further details, to provide feedback,
or to discuss ways of supporting the
implementation of DCAF's strategy for
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