15

Palestine

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When the Palestinian Authority was established by the Oslo Accords in 1993–1994, Edward Said, the renowned Palestinian American scholar, warned that Yasser Arafat, the Palestine Liberation Organization (PLO) chairman and Palestinian Authority president, had established several security forces, five of whom were intelligence services tasked with spying on each other.[1] In 1996, Ramadan Shallah, the leader of Palestine's Islamic Jihad movement, made a similar observation: "Arafat has so many intelligence services in the self-rule areas that if you open your window, Preventive Security peeps in; if you open your door, the Presidential Security Service comes in; if you go out to your garden, you bump into Military Intelligence; and if you go out to the street, you come across General Intelligence."[2]

In 2011, Yezid Sayigh, the prominent security expert, observed that "in the West Bank, the intelligence agencies are emerging as autonomous power centers that acknowledge no higher, constitutional authority." This raised the prospect of a security state run in accordance with the established regional model. Sayigh observes: "If there is no credible movement toward statehood within the coming year, they could be turned into little more than the civilian face for yet another Arab polity run by the Mukhabarat (secret police), in this case with a strong, even pervasive behind-the-scenes role for Israel and the CIA."[3] By late 2018, this prediction had proven to be accurate—the intelligence state in-the-making had become further institutionalized and entrenched, with the adopted, implemented, and internationally sponsored security reform processes resulting in the professionalization of Palestinian authoritarianism and repression.[4]

These authoritarian transformations, which have been enacted over a quarter of a century, have meant that, in addition to living under the brutality of the Israeli colonial military occupation, Palestinians in the occupied West Bank and Gaza Strip have had to (and continue to) live under additional layers of suppression created by their own national governing bodies and security forces. Thus, the Israeli colonial occupation and Palestinian authoritarianism have created a police state in-the-making where multiple intelligence agencies function within a context that is fraught with fundamental contradictions and imbalances of power.

The security framework put in place by the Oslo Accords requires the Palestinian security establishment, and its intelligence branches more specifically, to coordinate and share intelligence information with the Israeli authorities and occupation forces, resulting in a situation where they are perceived by the Palestinian people to be mere subcontractors to the Israeli occupation and a tool that sustains the imbalances of power between the occupied and the occupier. This reality cannot be concealed by invocations of "coordination," "assistance," or even the ultimate aspiration of "peacebuilding."

In addition, the multilayered conditions imposed by the international community also require the Palestinian security forces and primarily its intelligence units to counter Palestinian "terrorism." This has resulted in the suppression and criminalization of resistance to the Israeli occupation, and the silencing and control of political opposition, in turn producing a situation in which the security agencies have come to be popularly perceived as politically oppressive and even opposed to the goal of national liberation. Numerous public opinion polls over the past decade confirm that a majority of respondents feel that they cannot criticize the Palestinian Authority and its security forces without fear, in large part due to the surveillance, monitoring activities, and violations of individual privacy. Other surveys observe that the Palestinian Authority and Hamas intelligence agencies are involved in arbitrary arrest and torture, and systematically abuse human rights and basic freedoms, a conclusion that is echoed by numerous local and international human rights organizations.

This serves to confirm that the Palestinian security forces have not only failed to ensure the security of the Palestinian people, but also further entrenched insecurity, while deepening a legitimacy crisis and trust gap and perpetuating a culture of fear in place of inclusiveness and accountability. It is within these dynamics that the role and functionality of the Palestinian intelligence agencies need to be understood and analyzed. Reference also needs to be made to a context that largely equates

intelligence with fear. One Palestinian political activist pithily states: "In our context, *mukhabarat*/intelligence can only generate negative connotation as it means fear, repression, torture, denial of democracy, lack of freedom, protection to the political élite, police state, and free services to the enemy."[5]

Historical Overview

Palestine is the area between the Mediterranean Sea and the Jordan River that is bounded to the north by Lebanon and to the south by the Gulf of Aqaba. The Palestinian Nakba (ethnic cleansing that led to the establishment of the State of Israel in 1948) and the Palestinian Naksa (Israeli occupation of the West Bank and Gaza Strip in 1967) resulted in "Palestine" becoming a reduced version of historical Palestine. In the contemporary period, "Palestine" refers to the occupied Palestinian territories, which includes the West Bank and Gaza Strip, and accounts for 22 percent of historical Palestine. The PLO informally accepted this reduction of Palestine in 1974, and formally adopted it in 1988. In 1993, the PLO signed the Oslo Accords with Israel, which anticipated the Palestinian Authority's emergence as the governing Palestinian body in the West Bank and Gaza Strip. It was anticipated that the accords would, by the end of the decade, establish the basis for a Palestinian state that would be established along the "Green Line," the demarcation set out in the 1949 Armistice Agreements between the armies of Israel and those of its neighbors.[6]

However, an independent and sovereign Palestinian state never materialized. After two decades of a failed peace process, the Palestinian Authority approached the United Nations in 2011, requesting that Palestine be recognized as an independent state. In 2012, the UN offered Palestine the status of a nonmember observer state. This state exists only on paper though. The recognized State of Palestine lacks the main pillars of state: sovereignty, control over borders, ability to govern, a registered population, and national independence on financial and migration issues. This state does not include or represent the more than half of the Palestinian people who live as refugees-in-exile. Not only is "Palestine" reduced, but the Palestinian people have also become reduced to those resident in the occupied Palestinian territories. The Palestinian Authority is partially in charge of ruling the 4.8 million Palestinians living in the West Bank (2.9 million, of whom 57.6 percent are under twenty-five years old) and Gaza Strip (1.9 million, of whom

63.6 percent are under twenty-five years old). However, many more Palestinians (another 7.9 million, including 1.8 million "second-class" citizens of Israel) are scattered around the region but are not subject to the Palestinian Authority's control.

Technically, they rely on the PLO, an umbrella organization that federates the majority of nationalist Palestinian parties and that has been internationally recognized as the sole legitimate representative of the Palestinian people. However, the PLO institutions are largely absent, co-opted by the Palestinian Authority, or simply ineffective. The PLO suffers from a deep legitimacy crisis; in part, this is attributable to the fact that it does not include the Islamic resistance movement (Hamas), which was the dominant political party in the 2006 legislative elections, or Islamic Jihad. Similar criticisms can also be made of the Palestinian Authority, which is governing fragmented spaces in the West Bank and besieged Gaza Strip, both of which are militarily occupied by Israel. Since the intra-Palestinian divide in 2007, the Gaza Strip is internally governed by Hamas and subject to an Israeli-Egyptian siege and blockade. Hamas also suffers from a deep legitimacy crisis in the Gaza Strip, and a number of its actions have further deepened intra-Palestinian fragmentation. The lack of a sovereign Palestinian state and the continuation of the Israeli illegal military occupation (as recognized by international law), have profoundly affected Palestine's social transformation, institutional development, political economy, and politics.

As part of the so-called peace process and statebuilding project, Palestinians have received US$35 billion of international aid since 1993, meaning that they have been one of the highest per capita recipients of nonmilitary aid in the world.[7] From 2004 onward, aid represented between 20 and 39 percent of gross domestic product (GDP), with per capita aid for the same period averaging around US$560 per year. In 2015, the economic costs of the Israeli occupation on the Palestinian economy were estimated to be US$9.5 billion, or around 75 percent of the occupied Palestinian territories' annual GDP. In 2017, per capita GDP was around US$3,097, with poverty and unemployment affecting up to 30 percent of the occupied Palestinian territories' population; conditions were particularly serious in the Gaza Strip, which has a 45 percent unemployment rate (and a youth unemployment rate in excess of 60 percent); meanwhile, 80 percent of the population require basic humanitarian assistance to survive, 72 percent of households are food-insecure, and 95 percent of the regional aquifer's water is unsafe for drinking and therefore requires treatment. The United Nations has suggested that the Gaza Strip could become unlivable by as early as 2020.[8] In 2018, Pales-

tine ranked 119 out of 189 countries and territories on the United Nations Development Programme's Human Development Index; its Gender Development Index scored Palestine at 0.877 points locating Palestine in the group of countries with medium gender inequality (slightly above the Arab states' average of 0.855); and its Control of Corruption Index scored Palestine at 26.92 out of 100. Local surveys suggest that 80 percent of respondents perceive Palestinian Authority institutions to be corrupt. Figures issued by Freedom House in the same year provide further clarification. The Strip's aggregate score for "freedom status" is 12 out of 100 (3 out of 40 in political rights and 9 out of 60 in civil liberties), while the West Bank scored 28 out of 100 (5 out of 40 in political rights and 23 out of 60 in civil liberties). Meanwhile, Palestine's percentile rank on the 2018 Worldwide Governance Indicators that relate to voice and accountability is 22 out of 100, while the 2018 World Press Freedom Index ranks Palestine 134th out of 180 countries and territories.

These political distortions and fundamental deficiencies are driven by a decades-long Israeli colonization of Palestine; as such, processes of de-development should not be theorized as unfortunate or coincidental outcomes, but should instead be traced back to a deliberate and focused colonial strategy. In the absence of a conscious and deliberate strategy of decolonization, these features will not reverse, but will instead solidify and normalize. It is instructive to note that, far from challenging or contesting the colonial power, the Palestinian Authority and its agencies more frequently function as a conduit through which colonial power is reproduced. These dynamics take on a particular significance when they are manifested in the security domain and in the operations of the Palestinian security forces, intelligence agencies included, and this is because these operations are functions of power and instruments that further the interests of the powerful.

In the absence of a culture of accountability and institutions that provide checks and balances, in addition to the absence of solid structures that will sustain an inclusive, transparent, and democratic political system, the Palestinian Authority's security and intelligence establishments have been provided with innumerable opportunities to run Palestinian affairs with an iron fist, with this arrangement being further reinforced by the presidentially declared status of emergency that has been in force in the occupied Palestinian territories since 2007. All of these factors, when considered alongside the fact that the Palestinian Legislative Council (PLC) has been dysfunctional since 2007, attest that the evolution and reform of the Palestinian security sector is occurring within a highly securitized space that nurtures authoritarianism.

Evolution and Reform of the Palestinian Security Sector

In order to better understand the history of Palestine's intelligence services and agencies, it is crucial to contextualize the evolution and reform processes of the Palestinian security forces that have been initiated since the Palestinian Authority's establishment in 1993–1994. This chapter only briefly mentions the intelligence agencies of the PLO in exile, and therefore does not engage in depth with the period extending from the late 1960s until the creation of the Palestinian Authority. The evolution and reform of the Palestinian Authority security apparatus can be broadly broken down into three separate phases: the Oslo Accords (1993–1999), the Second Intifada (2000–2006), and the post-2007 Palestinian Authority–led statebuilding project.[9] Each phase was not part of an intelligible process, but instead reflected shifting donor priorities and conditionalities, Israeli pressure, regional changes, and intra-Palestinian political dynamics.

The first phase was characterized by a fundamental clash between the imperatives of statebuilding and national liberation. The former implied the construction of pre-state or statelike institutions (although in reality it produced an inflated bureaucracy); the latter instead implied the pursuit of the revolutionary program for self-determination that was synonymous with the PLO. Over time, the first imperative came to predominate, and Arafat used the Palestinian Authority's security forces, in addition to nepotistic and patronage-based governing practices, to strengthen his authority and promote stability. Quantity, as opposed to quality, was Arafat's main priority. This resulted in the emergence of a bloated security establishment and forces with contradictory duties, which nonetheless reported directly to him. The 9,000 recruits envisaged in the 1994 Cairo Agreement had grown, five years later, to more than five times this number (close to 50,000 security personnel). At this stage, between four and nine Palestinian Authority intelligence forces operated in the West Bank and Gaza. This proliferation of the security forces, each of which committed considerable time to spying on each other, had hugely negative consequences for Palestinians. The growth of the security apparatus enabled Arafat to establish security-based political structures, thus strengthening authoritarianism by blocking accountability mechanisms. This eroded legitimacy, contributed to heightened insecurity, and paved the way for future political fragmentation. However, rather than challenging endemic corruption and patronage, the international community chose to turn a blind eye, so as to perpetuate the "peace process."

During the Second Intifada, the Palestinian Authority's security infrastructure was destroyed by the Israeli army, in direct response to the

fact that it directly participated in the uprising. This created a security vacuum that was filled by non–Palestinian Authority and nonstatutory armed groups and actors. Growing instability and political infighting meant that external donors, the Palestinian Authority, and Israel became increasingly preoccupied with the development of a strong and dominant security sector. In June 2002, the Palestinian Authority announced a hundred-day reform plan. This was then followed by a 2003 roadmap. The latter explicitly called for a rebuilt and refocused Palestinian Authority security apparatus that would confront terrorists and dismantle their capabilities and infrastructure.

The Palestinian Authority's security sector was therefore tasked with a relatively narrow range of responsibilities. In combating terrorism, it would apprehend suspects, outlaw incitement, and collect illegal weapons. In addition, it would also provide Israel with a list of Palestinian police recruits and report progress in each of these areas to the US government. These commitments pitched the Palestinian Authority into a "war against terror" in which resistance was reinvented as "insurgency" or "instability." The extent that these commitments reflected Palestinian needs and priorities was clearly open to question. One observer noted that Palestinian security reform "remained . . . an externally-controlled process, driven by the national security interests of Israel and the United States, and characterized by very limited ownership on the part of Palestinian society."[10] The international donor community led this reform in 2005 by establishing the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS) and the United States Security Coordinator (USSC). This situation continues to this day, in the form of a "one gun, one law, one authority" strategy that embodies and reinforces the Palestinian Authority's monopoly on violence.

The post-2007 Palestinian Authority statebuilding phase sought to technically engineer the reform of Palestinian Authority security forces (including training and weapons procurement) by primarily working through EUPOL COPPS and the USSC. This was accompanied by a series of political- and security-based operations that would seek to constrain Hamas and its armed wing, curb Fatah-allied militants through cooptation and amnesty, and crack down on criminals. These aspirations were substantially complicated, though, when the "reformed" security forces were accused of human rights abuses and suppressing fundamental freedoms. The post-2007 security reform agenda has undermined Palestinian resistance and security and has subverted the very functioning of Palestinian politics. While blame can clearly be apportioned between a range of actors, it is clear that donors must be foremost in this respect.

In short, the security of Palestinians has been jeopardized because their own leadership has been subcontracted to carry out repression on behalf of the Israeli colonial authorities. As security sector reform proceeded, the occupied West Bank became a securitized space and the theater for Palestinian Authority security campaigns whose ostensible purpose was to establish law and order. The Palestinian Authority's intelligence agencies were foremost in implementing a security doctrine that sought to ensure the Palestinian Authority's monopoly on the use of violence in Palestinian society. Hamas intelligence agencies in the Gaza Strip also engaged in similar conduct with the intention of promoting stability and asserting Hamas's rule over the Gaza Strip. Both parties acted as if they were sovereign bodies, and sought to present their behavior as "professional," while issuing the refrain "We are doing our job" when challenged for using excessive violence and unjustifiable aggression.[11] Hence, the political circles and intelligence bodies were totally synchronized: political leaders justified the actions of the intelligence agencies, while the intelligence agencies protected the political leadership.

In order to understand the magnitude of this enterprise, it is useful to bear in mind that the Palestinian security sector currently comprises about 83,000 individuals (65,000 receive a salary from the Palestinian Authority and 18,000 are paid by the Hamas de facto government in Gaza), and this figure includes about 310 brigadier-generals, of whom about 230 report to the Palestinian Authority and 80 to Hamas.[12] The security sector employs around 44 percent of all civil servants, accounts for nearly US$1 billion of the Palestinian Authority's budget, and absorbs around 30 percent of total international aid disbursed to Palestinians.[13] The security sector consumes more of the Palestinian Authority's budget than the education, health, and agriculture sectors combined. The ratio of security personnel to the population is as high as 1 to 48, among the highest in the world. This substantial security assistance notwithstanding, the main cause of Palestinian insecurity, namely the Israeli colonial occupation, is yet to be sufficiently acknowledged, let alone addressed, by the international donor community.

The Palestinian Intelligence Forces

The history of Palestinian intelligence agencies can be traced back to the multiple PLO security and intelligence bodies that operated in exile wherever the PLO leadership was based across the Arab world, including in Jordan, Lebanon, and Tunisia. These agencies were tasked with

protecting the Palestinian revolution, its leaders, and the national liberation project. They were also tasked with coordinating security matters with host countries, and were considered to be a strong security apparatus, bearing in mind that they were not attached to a state. This strength was a double-edged sword, as they became involved in bloody clashes with host countries and authorities on multiple occasions over the years—these clashes arose from the perception that, as in Lebanon and Jordan, the PLO sought to create a state within the state.

These security bodies included several intelligence agencies (although they consciously avoided the word "intelligence" as this was associated with Arab adversaries and Israel). These included the Unified Security Apparatus, Central Security Apparatus, Revolutionary Surveillance Directorate, Security and Information Apparatus, Special Apparatus, and Secret Apparatus. They were headed by Abu Iyad (Salah Khalaf), Abu al-Hawl (Hayil ʻAbd-al-Hamid), and ʻAtif Bsaysu, three prominent PLO leaders and top Fatah intelligence officers. Abu Iyad and Abu al-Hawl were assassinated in Tunisia (1991), and Bsaysu in Paris (1992). After their assassination, key intelligence expertise and data (in particular that relating to several Western and Arab intelligence agencies) was lost.[14]

After the famous handshake between Israeli prime minister Yitzhak Rabin and PLO chairman Yasser Arafat on the White House lawn in Washington, D.C., on September 13, 1993, a new era in Palestinian-Israeli relations had begun. The accords signaled an arrangement in which the Palestinian revolution "returned back home from exile" and began a transformation process that orientated toward a statelike bureaucracy and civil administration. Security arrangements were a preeminent priority within the accords, presupposing a sustained engagement with the transformation of revolutionary and intelligence forces into state bodies.

This process undoubtedly presupposed a range of tensions and contradictions, but Arafat was confident that he had the solution; he therefore proposed to create three key intelligence bodies, two that would be led by the "external" PLO leadership who had recently returned to the occupied Palestinian territories (the returnees), and a third body would then be led by the "internal" PLO leadership, mainly local Fatah leaders who had spent years in Israeli jails. The first two were known as the United Security Agency and the Central Intelligence, and were respectively headed by Amin al-Hindi and Hakam Balʻawi.

Soon after, Arafat decided to merge these two bodies into a single intelligence agency known as the General Intelligence Service, which was headed by al-Hindi; it remains the main conventional Palestinian

Authority intelligence body. It began with 200–300 agents in Gaza Strip in 1994, before extending to the West Bank in 1995 and, under the leadership of Tawfiq al-Tirawi, increasing its total number of agents to around 800 (mainly returnees from Tunis). By 1997, it was estimated that its number of agents had increased to 3,500 (2,000 in the West Bank and 1,500 in Gaza). Estimates from 2018 suggest that the service currently has 3,700 agents in the West Bank and 2,200 in the Gaza Strip. Although they are on the official payroll of the General Intelligence Service, other agents (*manadeeb*) also work on an ad hoc basis and are paid accordingly (e.g., for the delivery of specific intelligence reports or tasks), and this makes it impossible to estimate their number. The service's intelligence personnel, who number almost 6,000, account for around 10 percent of the total personnel who work in the Palestinian security sector.[15]

The "local" intelligence body that is run by the Fatah leadership from inside the occupied Palestinian territories is known as the Preventive Security Agency; it prides itself upon being the "Palestinian FBI." In initially operating under the leadership of Mohammad Dahlan (in the Gaza Strip) and Jibril Rjoub (in the West Bank), two Fatah leaders who spent years in Israeli jails, it drew upon its local roots and the direct support of the US CIA to establish strong ties within the occupied Palestinian territories. Its links with the CIA and its activities (which led to it becoming known as the "Death Squad") meant that it quickly gained notoriety among Palestinians in the occupied Palestinian territories. In October 1994 it was estimated that it employed 685 personnel; one year later, this figure increased to around 2,500, before then rising to 5,000 by mid-1997. Estimates from 2018 indicate that it employs at least 3,500 agents in the West Bank and 2,500 in the Gaza Strip. It accounts for around 10 percent of personnel employed in the Palestinian security sector, and it remains, despite its failure to stop Hamas from seizing control of Gaza in 2007, one of the strongest Palestinian Authority security actors.[16]

However, Yasser Arafat sought to have more intelligence bodies spying on each other, and he therefore appointed Musa Arafat, one of his cousins, to lead another intelligence agency known as the Military Intelligence. By 1997, Musa Arafat had an estimated 1,000 men (600 in the West Bank and 400 in Gaza) under his command. Musa Arafat led this body until 2005, when he was assassinated by other Palestinian armed groups due to grave corruption charges. In 2018, the Military Intelligence agency is estimated to have employed around 3,000 agents (1,800 in the West Bank and 1,200 in the Gaza Strip), account-

ing for around 5 percent of the overall personnel employed in the Palestinian security sector.[17]

This three-dimensional intelligence structure continues to operate and does so with increased efficacy, having become more entrenched in Palestinian society and the political system. These intelligence agencies now account for around a quarter of the Palestinian security sector. In reality, this figure is probably even higher: once informal agents, other auxiliary bodies, and other intelligence units within separate Palestinian Authority security bodies are added, the figure is probably closer to a third. The centrality of the intelligence agencies, which have assumed a heightened significance amid continued political division, continues to be further reinforced by external benefactors, most notably the international donor community and Israel.

In terms of functions and operations, there is a deliberate and considerable overlap between these three intelligence agencies, and various local and international security sector reform interventions have not proven to be successful in merging these bodies or streamlining their work. These agencies continue to be tasked with countering Palestinian "terrorism," ensuring Israel's stability, coordinating security matters with Israel, surveillance of political opposition, dealing with Israeli collaborators, protecting the Palestinian Authority leadership, countering coup attempts (including those internal to Fatah), and continuing to monitor Hamas and its armed wing in the West Bank, a concern that has become increasingly important after the 2007 intra-Palestinian divide. The functions and operations of these intelligence agencies therefore remain largely focused on internal matters, although some General Intelligence Service operations are exceptions in this respect.

The General Intelligence Service, which reports directly to the Palestinian Authority president, is the main body responsible for Palestinian Authority external intelligence operations, which includes counterespionage and contact with foreign intelligence agencies. Although it is mandated to conduct external operations, it is also engaged in domestic intelligence gathering and "countersubversion" operations inside the Palestinian Authority—this includes monitoring of internal Palestinian opposition, identifying collaborators, and conducting general counterintelligence activities. It is currently led by Majid Faraj, the Fatah leader who began his security career in the Palestinian Authority's Preventive Security in the 1990s, before becoming an adviser to the Palestinian Authority's interior minister and then, later, taking up the role of commander of Military Intelligence. Faraj has held his current position as General Intelligence chief since 2009, and is now considered to be one

of the closest allies of Mahmoud Abbas, the Palestinian Authority president and PLO chairman. Faraj is a member of the Fatah Revolutionary Council, and was recently offered a seat on Fatah's Central Committee. Faraj has been a key part of the core Palestinian peace negotiation team over the past few years, and has been a key interlocutor with the Trump administration, Hamas, and various Arab capitals. In serving in each of these roles, he has been identified by a number of observers as a potential successor to Abbas.[18]

The Preventive Security Agency is the main internal intelligence agency established to counter opposition to the Oslo Accords. It officially operates under the Palestinian Authority's Ministry of Interior, but in practice also reports directly to the Palestinian Authority president. It is one of the most powerful and well-equipped security forces, and it has its own prisons and detention centers. It has often been accused of using torture and other extrajudicial interrogation methods on detainees, and has been subject to criticism by international and local human rights organizations. After initially being created as a counterpart to the Shin Bet (the Israeli internal intelligence agency), it received direct financial and nonfinancial support from the CIA over the years, and enjoyed a certain degree of autonomy until its drastic 2006–2007 failure when the "Hamas hunters" were defeated by their adversaries, who then seized control of the Strip. It is currently led by Ziad Hab al-Reeh, the Fatah leader and member of the Fatah Revolutionary Council who has occupied his current position since 2007, which makes him one of the longest-serving Palestinian Authority security force chiefs. This agency was previously led by Mohammad Dahlan and Jibril Rjoub; the former was sacked from Fatah and later emerged as an enemy of Mahmoud Abbas; Rjoub, meanwhile, is no longer involved in the Palestinian Authority's security establishment. He is nonetheless still involved in the political leadership of Fatah and the PLO, and is also the chief of the Palestinian Football Association and the Palestine Olympic Committee.[19]

The Military Intelligence is the Palestinian Authority's smallest intelligence body and reports to the Palestinian Authority president. Its mandate establishes that it is responsible for collecting intelligence on the external military environment, but in practice it also operates as an internal security organization that represses opposition within Fatah and other security forces. It therefore polices other security agencies and has the authority to arrest other members of the security forces, although not ordinary citizens; in addition, it can also investigate ties to terrorism, serious crimes, collaboration (with Israel), and other violations. It is currently headed by Zakaria Musleh, the Fatah leader who previously

served as a senior commander in Preventive Security and continues to serve on the Fatah Revolutionary Council.[20]

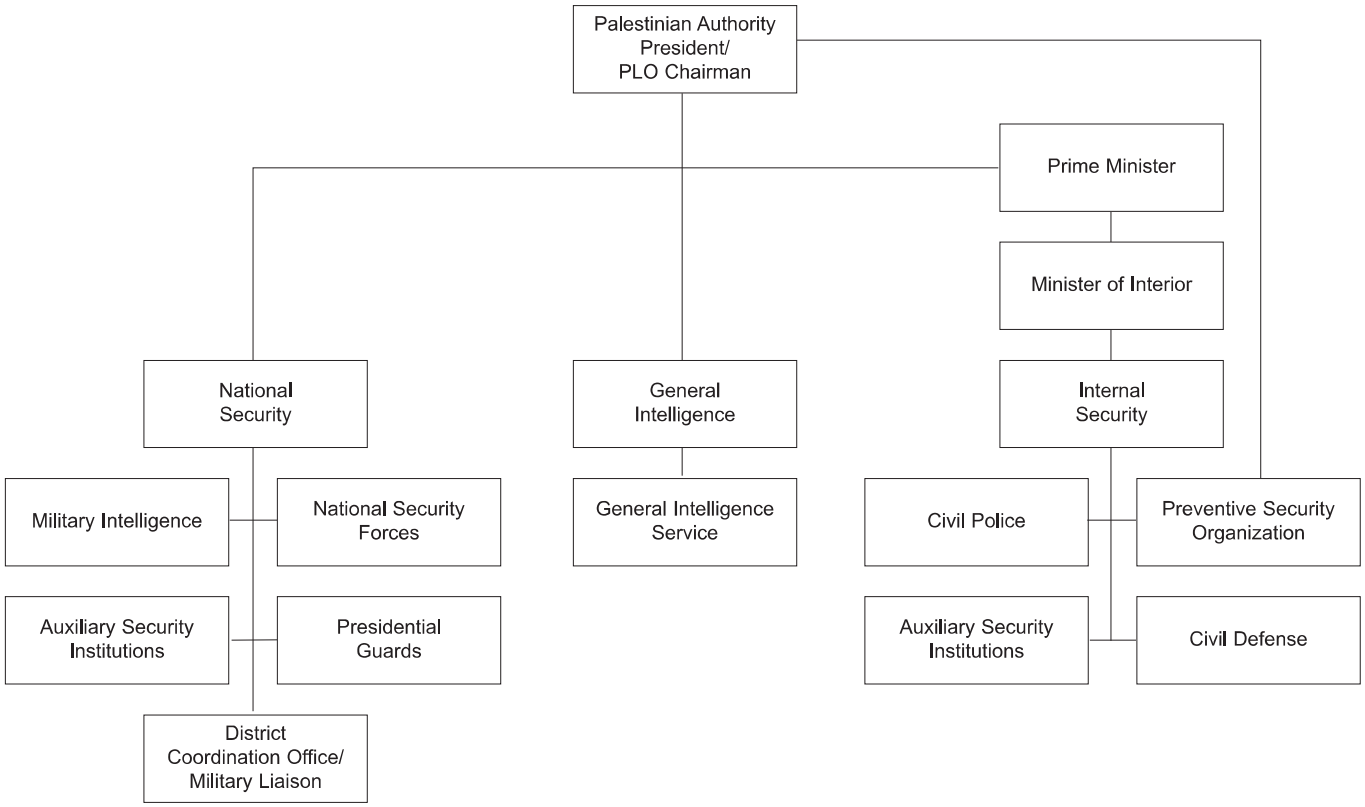
As Figure 15.1 illustrates, there are a number of other intelligence bodies. These include the Palestinian Authority's Military Liaison and District Coordination Office, which has prime responsibility for security coordination with Israel and Hamas intelligence agencies in the Gaza Strip, such as the Internal Security Force, which is made up of members of the al-Majd internal security force within the Izz al-Din al-Qassam Brigades, and is responsible for espionage and informants. It subdivides into the Internal Security Agency and Hamas's General Intelligence, and has been actively engaged in suppressing political dissidence and opposition.

Legal Framework

Until 2003, Arafat refused to use the word "reform" when addressing himself to the Palestinian Authority security forces, and instead used the word "development." In employing a peculiar metaphor to clarify the nature of his relationship with the security forces, he informed observers that "no one can intervene between me and my children."[21] This personalized style of governance was intertwined with corruption and nepotism, and this fostered overlapping jurisdictions and rivalries while frustrating the development and implementation of a legal framework to be fundamentally developed or implemented. Although the Palestine Legislative Council was active during Arafat's presidency, it had little influence over the activities of the Palestinian security and intelligence agencies; conversely, it was instead widely understood that Arafat's wishes and orders were synonymous with the rule. In partial mitigation, Article 84 of the amended Palestinian Basic Law, which is equivalent to a constitution, clearly states: "The Security Forces and the Police are regular forces. They are the armed forces in the country. Their functions are limited to defending the country, serving the people, protecting society and maintaining public order, security and public morals. They shall perform their duties within the limits prescribed by law, with complete respect for rights and freedoms."[22] However, this mitigation is partial precisely because this article is the only one that is addressed to the Palestinian Authority security forces.

Following the escalation of the Second Intifada, pressure from the donor community, in addition to the death of Arafat and the dominance of non–Palestinian Authority armed groups, resulted in the emergence of a reform agenda that prioritized security sector reform. The 2005

Figure 15.1 Palestinian Authority Security Forces



Law of Service in the Palestine Security Forces (no. 8) was particularly important in this regard, as it divided the Palestinian security sector into three branches of security: internal, national, and general intelligence. It also regulated the rights and obligations of security personnel and provided institutional mechanisms for promotion and disciplinary measures. This law is one of the most comprehensive Palestinian Authority laws, which extends 222 Articles over seventy-seven pages, and is widely considered to be a key document that frames the Palestinian Authority's new security doctrine during the (post-Arafat) state-building and security reform processes. Although it aroused a number of criticisms, its comprehensiveness also attracted praise. It was followed by the 2005 Law of General Intelligence (no. 17) and the 2007 Presidential Decree Law (no. 11) relating to preventive security that was adopted after the emergence of the Fatah-Hamas divide. Although the general intelligence law is relatively detailed, its preventive security counterpart is noticeably brief. The Military Intelligence continues to operate in the absence of any legal framework, and in this respect resembles the National Security Forces and Presidential Guard, although draft laws are currently in existence. The Police Law was adopted by Presidential Decree 23 only in December 2017 after Presidential Decree 9 (concerning the early retirement of Palestinian Authority security personnel) was published.

This legal framework establishes that the responsibilities of the General Intelligence Service, as defined in Article 9 of the 2005 General Intelligence Law (no. 17), include: preventing "any acts that may place the security and safety of Palestine in danger"; "combating external threats to Palestinian national security such as espionage and sabotage"; and "cooperation with similar agencies of friendly states." The 2007 Presidential Decree Law (no. 11) also establishes that the Preventive Security Agency is responsible for upholding internal security, combating internal threats against the Palestinian Authority, and countering crimes against the Palestinian Authority, its institutions, and personnel.

The main issue with Palestinian legal frameworks, though, is that they have been regularly and systematically overthrown and co-opted by politics and political institutions and factional politics. Rule of law effectively means rule of the political domain and more precisely the rule of the Palestinian Authority and Fatah leadership. In the absence of institutional checks and balances and in the context of a continuing state of emergency (eleven years and counting), these legalistic mechanisms are little more than words on paper and an insubstantial nod toward the donor-driven reform agenda. In time of crisis, legal frameworks are

sidelined in favor of the iron fist, a tendency that has been further reinforced by the absence of functioning accountability mechanisms. At best, it might be said that the legal framework that governs the operations of the Palestinian security and intelligence agencies remains a work in progress.

International Cooperation

Cooperation between the Palestinian intelligence agencies is evidenced at the local, regional, and international levels, although in each respect it remains limited. Significantly, cooperation is primarily undertaken with the Israeli authorities and intelligence services. This cooperation takes different forms and ranges from sharing intelligence information to returning lost settlers who enter Palestinian Authority–controlled territories by mistake. It includes drug trafficking, suspicious real estate purchases, Palestinian collaboration with Israel, and antiterrorism initiatives that seek to impede the activities of Hamas and other factions of the political opposition. This cooperation is part of the Oslo Accords security framework, and is institutionalized, being reproduced on a daily basis through clearly defined channels regardless of the severity of conflict or the degree of stability.

Mahmoud Abbas observed in 2014 that "security coordination [with Israel] is sacred, sacred. And we'll continue it whether we disagree or agree over policy."[23] The Palestinian Authority intelligence agencies continued to meet with Israeli counterparts even at times when the peace process had stalled, even earning praise from US president Donald Trump, who applauded the Palestinian Authority's continued security cooperation with Israel and observed that both parties "get along unbelievably well" and "work together beautifully."[24]

In addition to the well-established cooperation with Israel, Palestinian security agencies maintain strong links with the CIA that are sustained irrespective of the political relationship between the US and Palestinian leaderships. Palestinian intelligence agencies also take every opportunity to express their support for counterterrorism efforts and position themselves at the forefront of the war on terror. Intelligence personnel have been in the public relations of the statebuilding project through Palestinian Authority tours, traveling to countries as diverse as China, Germany, Jordan, Russia, Saudi Arabia, and the United States. In these locations, they have been presented as part of the international coalition against Da'esh. In the aftermath of any major international or

regional meeting in which Palestinian intelligence officials are engaged, key media outlets will chase Palestinian officials for a statement, offering a clear opportunity for them to reiterate their commitment to regional stability grounded within continued security cooperation with Israel. These commitments, however, engender considerably less enthusiasm among Palestinian inhabitants of the occupied Palestinian territories and serve to further underline the gap between the general population and the political and security leadership.

There are also strong ties between Palestinian intelligence agencies and their Arab counterparts, with relations with Egypt and Jordan being particularly strong. Egyptian intelligence has played an important role in mediating intra-Palestinian reconciliation talks between Fatah and Hamas. The protracted failure of these talks, over a period of more than a decade, continues to further reinforce the division between the Palestinian leadership and people and to negatively impact upon the legitimacy of the intelligence institutions.

International cooperation was further enhanced when Palestine became an observer nonmember state of the UN in 2012 and ratified nearly fifty international agreements and treaties; in addition, it also joined multiple international organizations, including Interpol. As the political and security leadership seek to institute the State of Palestine at the global level, they have been forced to accept a range of commitments and obligations.

In addition, Palestinian intelligence agencies have received international recognition for their role in some regional operations, most notably when the General Intelligence Service participated in a 2015 operation in Syria titled Returning the Favor, which was justified as a thank you to Sweden for recognizing the State of Palestine. In this operation, which was led by the head of the General Intelligence Service and supervised by the Palestinian Authority president, two Swedish hostages who had been held for years by a radical armed group were freed and returned safely to Sweden, without any payments being made in return. The Palestinian media celebrated the exploits of the intelligence officers, to the point where critics alleged that what was actually being presented was an exaggerated public relations campaign.

Although the operations of Palestinian intelligence agencies are largely internally focused, a more externalized focus has emerged over the past decade, and this shift has occurred in the wider context of the rapidly changing Palestinian Authority–led statebuilding project. However, now that this project has ground to a halt, it is conceivable that the focus will again shift inward, a prospect that is further enhanced by the

maturing of Palestinian authoritarianism. Past experience—not least the continuation of security cooperation in the absence of other forms of cooperation—suggests that this development would not occasion surprise or be unexpected.

Accountability and Oversight

In addition to the legal inadequacies that have already been acknowledged, there are also a number of deficiencies or inadequacies within the Palestinian system of governance; these include a lack of effective mechanisms of civilian, legislative, and judicial oversight, in addition to the absence of effective accountability mechanisms and institutions that provide effective checks and balances. Each element is part of a more general Palestinian "democratic deficit" that contributes to a denial of Palestinian democracy.

Security forces, and in particular their intelligence branches, are crucial instruments that deny Palestinian democratic transformation, as they function within a political system and context that is characterized by the absence of transparency, accountability, and oversight. The freezing of the PLC in the aftermath of the West Bank–Gaza Strip divide has resulted in a situation in which laws cannot be debated or approved by the parliament or its specialized bodies. It has also resulted in a situation in which the Palestinian Authority president has consolidated all powers and begun issuing laws in the form of presidential decrees. These decrees are legally problematic and procedurally flawed because they are not subject to democratic oversight and are far from inclusive, whether in procedure or outcome. Beyond this legislative vacuum, an equally dangerous vacuum in judicial authority has also emerged. The objectivity and independence of the judicial system is questionable as it continues to be co-opted by the political leadership and is subject to the power of the security forces. One example was provided in 2016 when it was reported that one of the highest-ranking officials within the judicial authority had been forced by a senior security chief to sign an undated resignation letter prior to his appointment; it was then triggered and activated when the two had a public disagreement—it was no surprise that the intelligence chief prevailed.

Even when regulations outline clear oversight mechanisms, this does not mean that they will translate to reality. The role of the Ministry of Interior in relation to the Palestinian Authority security forces is a case in point. Although the Ministry of Interior is the responsible min-

istry and should provide oversight of the security forces, it is however the case that the ministry is largely irrelevant when concerns arise in relation to security force accountability, governance, and organization (chain of command). To complicate matters further, the Palestinian security forces are sometimes more accountable to external donors and agencies than to Palestinians. Accountability in the Palestinian context has a very precise meaning, implying the imposition of conditionality on the Palestinian Authority and the operation of its security forces.

However, it is the inability of Palestine to hold its security forces to account that is of most concern. It is immediately apparent that both local and international "security providers" have consistently failed to acknowledge the specific security needs of Palestinians in the occupied Palestinian territories; in addition, they have also failed to acknowledge and engage the representations of Palestinian civil society on this issue. Far from providing a basis for reform, basic human rights principles have been conspicuous by their absence. Resources and efforts were instead largely focused on solidifying the control of the Palestinian Authority's security forces with the aim of ensuring their legitimate use of violence (mainly as opposed to armed resistance groups), and this in turn created a condition of "othering" (us the people, and them the security forces). Accordingly, the adopted security sector reform paradigm was an anti-inclusivity paradigm—and this was true of the Palestinian political system itself—with no space for the people in its core structure. People-driven local ownership principles and people-driven accountability mechanisms are therefore either weak or entirely absent.

Conclusion

During one of my fieldwork trips to the Jenin refugee camp in the West Bank, one respondent told me that, after 2007, public gatherings are only allowed for weddings, funerals, or prison gatherings.[25] Even if account is taken for some level of exaggeration, this quite clearly illustrates the authoritarian transformations that have taken place in Palestine over the years as a result of the growing dominance of the security forces and their intelligence branches. This has created a culture of Mukhabarat (secret police)–driven fear and a culture of the *mandoub* intelligence agent wherein intelligence has become entrenched in almost every aspect of life, including the ability to be employed, open a bank account, engage in political activism at the universities, post a Facebook status, or pray and drink at a bar freely.

This dominance of the security and intelligence bodies goes well beyond security, and extends to the political domain. Key intelligence chiefs control positions at the top political level (including the potential next president and chief peace negotiators) and at national governorate levels—most, if not all, city governors served in one of the intelligence bodies. This dominance has in turn superimposed another level of policing on the Palestinian people and civil society. The security and intelligence forces have come to perceive the political opposition as enemies and this has, in the aftermath of 2007, proven to be antithetical to the spirit and fundamental principles of democracy. As more securitized spaces have emerged, the "securitization of everything" has become the mantra of the Palestinian Authority and its security and intelligence forces. This remains a key part of the Palestinian Authority's security doctrine, an ongoing donor priority that is upheld by foreign aid conditionality; in addition, it is also a source of tension between the Palestinian Authority and the Palestinian people in the occupied Palestinian territories, and an incubator of popular resistance, as the populations of the territories seek to resist the multiple levels of repression and authoritarianism they encounter on a daily basis.

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