



Report No. 210

Contribution to Enhancing the Role of the Police and the Security Services in Protecting Civil Peace



March 2022



Contribution to Enhancing the Role of the Police and the Security Services in Protecting Civil Peace

March 2022



AMAN
Transparency Palestine



The Civil Forum to Promote Good Governance in the Security Sector and the Coalition for Accountability and Integrity (AMAN) express their deep appreciation to Dr. Omar Rahhal for preparing this paper and to Dr. Azmi Shuaibi and AMAN team for supervising, revising and editing the paper.

All rights reserved to the Coalition for Accountability and Integrity (AMAN).

In case of citation, please refer to the publication as follows: Coalition for Accountability and Integrity (AMAN). 2022. Contribution to Enhancing the Role of the Police and the Security Services in Protecting Civil Peace, Ramallah-Palestine.

The Coalition for Accountability and Integrity (AMAN) has made all possible effort to verify the information presented in this paper, and is not liable for any use of the information for purposes other than the aim of the paper after its release.

Page Chapter

Introduction	5
The responsibility of the state and its institutions to provide security and maintain civil peace: state functions	7
Functions of the police and security institutions: security as a service	8
The role of the police and security institutions in keeping civil peace and social cohesion ...	10
The security policy of the Palestinian police and security institutions	13
The relation between civil peace and the rule of law	15
The social contract and civil peace	16
Threats to civil peace and social cohesion in Palestine	18
The need for a vision that enhances civil peace and social cohesion	20
The civil roles pertaining to the role of the police and security institutions in preserving civil peace	22
General recommendations	23
References	25

Introduction

In any country, civil peace is positively related with the level of political and socio-economic stability, a clear and transparent security doctrine and vision, and capable law enforcement agencies that carry out their duties lawfully and efficiently. A cohesive society also requires judicial independence and compliance with the principles of equality and equal opportunities based on merits and citizenship, rather than discrimination, cronyism for partisan, regional or tribal reasons. Renunciation of hate speech, incitement and violence is necessary for social cohesion. The role of the police and the security personnel is decisive in preserving civil peace, since some individuals do not comply with the above principles and rules, which requires strengthening the role of the regular judiciary, police and the security services.

The Palestinian society often suffers from deterioration in civil peace, and a rise in levels of violence and crime, taking into consideration the continuous role of occupation in destabilizing the Palestinians' life. However, sometimes, in terms of civil peace, the performance of the security services lacks responsiveness towards quarrels, or there may be excessive use of force during interventions sometimes. Questions surround the politically undisciplined arms, especially in the areas under the Occupation's control, and their role in nurturing local rows, which the police and security services cannot access. This problem is aggravated amidst the reality of the Executive power of the Palestinian Authority (PA), which is not held accountable, and the absence of the legislative and control bodies, most notably the political level responsible for the police and the security services.

The position of the Palestinian government towards crime and violence in the Palestinian Territories is unresolved and reluctant, because of the lack of strategies and plans for preserving civil peace.

The afore-mentioned factors weakened the social structure and cohesion. The spread of Covid-19 virus exacerbated the social tension, because of lockdowns, restrictions, closure of public, private and non-governmental institutions and the consequent isolation, accompanied by aggravating poverty and need.

The transformations that occurred in the Palestinian society aggravated fanaticism, sometimes leading to violence. Such transformations reflected a decline of the national identity into smaller secondary identities, and discrepant fanatical affiliations, such as affiliation with the family, tribe, clan, sect, creed, region or party. This strengthened individualism and cliques, weakened the values of solidarity, tolerance and the rule of law and encouraged traditional conflict resolution means, at the expense of the regular judiciary (tribal judiciary). Killings, revenge killings and arson as consequences of family disputes increased (punishments, group displacement), libel, extortion, defamation, electronic crimes and others, while the Palestinian people struggle for their freedom, dignity and independence.

While the civil peace is very important everywhere, it is even more important in the Palestinian context. The reason is the complications and exceptional conditions created by colonialism, which prevents access of the security services to all areas and impedes effective response, divides the Occupied Palestinian Territories (OPT) into several areas, allows the development of crime hubs away from state control, and even provides safe havens for criminals.

This paper constitutes an attempt to suggesting mechanisms for enhancing the role and performance of the police and security institutions in protecting and strengthening civil peace and social cohesion. It sheds the light on the challenges that preclude adopting a firm security policy against the deteriorating civil peace, prevent effective and efficient responses by the law enforcement agencies (LEA) against the chaos of the arms, and allows for the emergence of the phenomenon of taking the law in the hands, revenge and violence. It also aims at enhancing the role of civil society organizations (CSOs) and their contribution to activating the role of the security in preserving civil peace, enhancing civil accountability of LEA, in relation to civil peace.

The responsibility of the state and state institutions in providing security and preserving civil peace

Functions of the State¹

1- Security functions: The state solely monopolizes the use of force through its security institutions and has the mandate of preserving the security within its borders. Hence, certain security roles are attached to the state, most notably: to defend its territories and citizens and protect them from external and foreign aggression, disruption of internal security and protecting the borders. These are the tasks of the national army. Moreover, the state is responsible for preserving the lives, money, property and honor of its citizens, as well as internal peace, and must take the preventive steps to prevent crime, track it when it happens and punish the perpetrators. These are the responsibilities of the police.

2- Enforce the law and apply justice: The state is obliged to enact the laws that regulate the relations between the state and the citizens, and among the citizens themselves, in addition to setting up the apparatus responsible for enforcing the law and instilling justice among the people. Those are the tasks of the judicial authority, which must be neutral, independence and integrity.

3- Financial and economic functions: The main functions of the state are setting the monetary policy, printing money, regulating the financial institutions and transactions within the state territories, providing the citizens with economic welfare, and mostly regulating the economic activities. Hence, the state is responsible for setting up several financial and economic institutions in charge of those tasks.

4- International functions: the major state functions include regulating the relations with other states, establishing real partnerships based on mutual benefit and cooperation to achieve common goals. Good international relations require the state to build capable institutions that can shoulder the responsibilities and identify the relations between external and internal laws, and the subsequent steps and measures.

¹ Nizam Barakat, Ahmed Taher, Introduction to Political Science, (Amman: Al-Quds Open University, Ed. 1, 1993), p. 166-167.

The functions of the police and security institutions: Security as a service

The police and security institution has several functions in the society, including security and social functions. The conventional security duties are identified in the administrative laws and regulations. Hence, the tasks of the police and the other conventional security services are to prevent and detect crime, arrest offenders, carry out their sentences and maintain public order. Hence, the major functions of the police and the security services is to provide security and stability to the members of the society. For the security institutions to carry out those duties, they must be accepted by the society, so that they seek their help².

The security institutions are merely an executive agency that works to maintain public order and implement systems; through them, the state exercises its sovereignty. It is not possible to apply the law and achieve internal security and general stability without an authority that takes all the necessary measures to combat and alleviate crime. Hence, there is a need for the powers granted to the police to enable them to pursue and arrest criminals. However, some citizens are concerned about abusing those powers, which naturally creates a psychological barrier between the security institutions and the civil society. Consequently, it is fair to avoid granting the police excessive powers, and restrict those powers to the requirements of the job. It is also necessary to raise their awareness towards the limitations of the powers they enjoy, and inform the public that public security is a public service, and not an authority over them, and that aim behind granting powers to the security is to protect the citizens and keep the society safe³.

Hence, it is important to strengthen the social role of the police and build bridges of trust and cooperation with the public. While the police is the service in direct contact with offenders, it cannot protect the society from crime or maintain security alone, and without the trust and sharing the responsibility⁴. Therefore, the responsibility for security lies with the police first, one of the most important security institutions in the society. Nevertheless, providing security is the responsibility of all governmental and non-governmental institutions and all members of the society. Hence, it is critical to have a strong relationship between the security institutions and the society, to prevent offenses and crimes and to cooperate in fighting it.

The role of the security institutions is to enforce the law, which may be perceived as restricting individual freedoms; hence, some individuals hate security forces, because they are sometimes used to restrict citizens' freedom and to terrorize them. Even seeing police officers generates a feeling of hatred. The image of the police officer is linked to the image of a tyrant who oppresses and terrorizes people⁵.

2 Abdul Karim Harbi, Paper on the community role of the security institutions, introduction to a seminar on community and security held at King Fahd Security College, Riyadh, 2004.

3 Ibid

4 For further details, see Abdul Kareem Harbi, The Role of Youth Participation in Supporting Security Institutions, (Riyadh, Nayef Academy for National Security Printers, 2000).

5 For further details, see Mohammad Saleh et al, Social service in Education and Youth care, (Alexandria, Al-Maktab Al-hadith, 1985).

Despite this negative perception among some citizens towards the police and the members of the security services, this does not absolve the society from participating and providing assistance to the police and security services, particularly in preventing crime, or in providing the necessary information before or after a crime is committed. It is important to engage the society and all its institutions and raise their public awareness about the threats of crime. This does not mean any underestimation of the role of the security institutions, but rather an auxiliary role. The role of the police and security services is not complete except with the cooperation of all members of the society, hence we find that the process of social discipline is based on the agreement between the police and the public and their approval⁶.

In all cases, the structure of the political system that puts in place effective and binding mechanisms that hold the security services accountable to the political level makes official and social accountability of the political level itself easier (at the Legislative Council (PLC), regular administrative courts, State Audit and Administrative Control Bureau (SAACB), Ministry of Finance, The Independent Commission for Human Rights (ICHR)- Complaints Bureau etc.), or civil society bodies such as NGOs, media and research centers. At the same time, it protects the security personnel from any external interference and alleviates their responsibility for any negligence committed by the responsible political officer⁷.

⁶ Abdul Karim Harbi, Paper, previous source.

⁷ Interview with Dr. Azmi Shuaibi-, Advisor for Coalition for Integrity and Accountability, AMAN.

The role of the police and security institutions in preserving civil peace and social cohesion

The Palestinian society often suffers from local tribal disputes, aggravated by revenge and taking the law in the hand, rather than tolerance. This phenomenon is nurtured by political, social cultural and economic factors in addition to the political division, which weakened the role of unifying institutions and the rule of law, and led to further individualism, reprisal and punitive measures, which had an impact on the values and conduct of a large number of citizens.

Various forms of extremism emerged, and started spreading in the Palestinian society, such as social and religious violence, characterized by rejecting the other and considering them unbelievers. Civil peace does not only mean community safety, but also includes the right to decent living, economic and social rights, and the freedom of opinion and expression.

There is a strong relation between the rule of law, in which the police and security forces play a major role, and civil peace. The security forces should play a major role in strengthening civil peace, through raising the law enforcement agencies (LEA) to the level of best international practices, in a professional and objective manner. They should raise public awareness about LEA achievements for the society, encourage open communications and dialogue with the public, contribute to developing and implementing civil peace plans, and urge the local communities to resort to peaceful and alternative conflict resolution means, such as dialogue, mediation, negotiations and arbitration.

The security forces shall also facilitate the citizens' access to justice, especially in marginalized areas or for children and women, and shall strengthen the responsiveness of the justice system to them. Comprehensive and integrated solutions for civil peace are not strictly security based, but are an integrated combination of security, economic cultural, social and political factors.

Despite improvement in the performance of the Palestinian police and security services, with the gradual institutionalization of the nascent security structures, however there is a need for developing an integrated and modern security policy for the security institutions that stems from the following:

To protect citizens from external aggression, protect human rights, respect freedoms, preserve democratic practices, refrain from political conflicts, enforce the law in accordance with international conventions and best practices, protect the basic Law and constitutional institutions, preserve civil peace, and adhere to the requirements of integrity, control and accountability within the security agencies. There is a need to frequently revisit the experience and develop the strategy, taking into consideration the security policy, tenets, (doctrine) philosophy, goals and elements, which contributes to developing the social contract among the citizens about the role of the security services in the Palestinian arena in ending occupation and state-building.

This policy and strategy shall allow for resorting to security solutions within specific limits and accurately calculate the consequences. It also enables focusing on economic, social and cultural solutions, and on preemptive action, that develops a system of awareness towards the importance and requirements of civil peace, rather than reactive action after the crime occurs. This system should also include adopting all the economic, cultural and awareness requirements in parallel steps to reach the required comprehensive approach. To perform their role in preserving civil peace efficiently and effectively, the police and security services must revise and complete the legislative framework that regulates their work, removing any overlap in powers. They must develop a Palestinian security doctrine based on respect for the principles of citizenship and human rights. Those most notably include basic freedoms and rights, democratic culture and practices, away from political conflicts, in a manner that is commensurate with the organizational structure of security in a democracy, in which the principles of equal opportunities, equity, justice, transparency and the rule of law prevail.

The role of the police and security services in preserving civil peace requires open relations with CSOs, particularly those active in the field of the rule of law, justice, fighting corruption, rights, media, etc. It also requires adopting a policy based on transparency and disclosure, which strengthens the citizens' trust in the performance of the security services and contributes to enhancing civil peace. Furthermore, the police and security services shall establish Palestinian security academies, with modern curricula, courses, and extra-curricular activities that adhere to human rights, comply with international conventions, respect the culture of democracy and civil and human rights, enhance the values of integrity, transparency and accountability, increase the competence of internal and external control bodies, as well as the complaints units and inform the public of the cases held accountable with LEA personnel who violated citizens' rights. This leads to general and specific deterrence and has a positive impact on civil peace.

The police and security services shall intensify their efforts in the field and through the media, to build trust among the Palestinian citizens. They should develop and highlight models of appropriate conduct, concentrating in their internal training on the appropriate relations between civilians and security personnel. The functions of the security services are to protect public order, run patrols on the streets to prevent any illegal practices, and take measures if people are exposed to danger, protect their property, enforce court decisions on civil and administrative disputes, organize traffic and others⁸.

The police institutions must take preventive measures prior to any acts of violence, riots or any form of illegal actions, by spreading the security forces during the day, enforcing them at night, to maintain security and stability. They should also adopt measures following the violence or illegal actions, and pursue the offenders and arrest them in accordance with the law, since they committed negative actions that violated community and civil peace and security⁹.

8 Rima Nazzal, Journalist, writer and feminist activist, virtual interview, 22/3/2021.

9 Yousef Imad Haddad, Chair of the Journalists Rights Advocating Association, Gaza, virtual interview, 24/3/2021.

During the forthcoming period, sustainable security campaigns must be launched in all governorates, with the aim of spreading security, order and the rule of law, arrest fugitives, take expedited judicial measures, avoid lengthy court proceedings, and enforce court decisions. Significant achievements have been made at the security level, in terms of pursuit of fugitives who adamantly attempted to break the social fabric and create gaps that destabilize some governorates¹⁰.

¹⁰ Dr. Suleiman Jaradat, Advisor to the Governor of Hebron for civil peace affairs, virtual interview, 25/3/2021.

The security policy of the Palestinian police and security services

The feeling of risk or threats requires taking measures to achieve security. Naturally, such measures should be commensurate with the level of actual or potential risk or threat. The security studies have focused in the past on the risk of military invasions, as the most serious, if not only source of risks to national security¹¹. However, recent national security studies have identified other and equally important sources to risk. Those include political, economic, social and cultural external and internal risks. There is a strong link between “internal threats” and “external threats”. The process of dividing the sources of threats is not a valid tool for scientific analysis, since it is impossible to isolate those sources. The relation between both is reciprocal and interactive, as each one affects the other directly and indirectly. They are interlinked, as internal sources create an environment that nurtures external threats, while external threats find excuses in internal sources¹².

An effective national security policy that achieves security to all groups of the society away from political conflicts requires the following:

1- Develop the legal structure: The legal system that exists in a post-conflict society is often outdated, incomplete or does not meet the needs and aspirations of the society for development and prosperity. It often contravenes with the international human rights standards and good governance. In the Palestinian case, the legal system faced multiple challenges, such as lack of coherence because the inherited legal system includes several eras, the Ottoman, British, Jordanian and Egyptian laws, in addition to military decisions issued by the Israeli Occupation authorities. Although some modern Palestinian laws that are in line with developments have been enacted, some relevant legislations have not been completed, most notably laws for the public security, the national security, the military intelligence and the governors. Although they are in charge of security functions related to citizens. Moreover, some relevant legislations that are not security related are also outdated, including major legislations that directly influence civil peace, such as the Penal Code.

On the other hand, the dysfunction of PLC because of the internal political division contributed to delaying the development of Palestinian legislations. It is necessary to issue the Palestinian security law and regulations, and several other laws and regulations to regulate the different security arms. The justice sector requires several laws, such as the Penal Code, the Forensic Medicine Law, the Forensic Laboratories Law etc... Developing the Palestinian laws constitutes a part of the process of liberation. The Ottoman, British, Jordanian and Egyptian laws, and the military orders did not aim at developing the Palestinian society, but at controlling it and subjugating it to the central authority. Hence, we must be emancipated from those outdated laws that do not meet the needs of the Palestinian people.

11 Fahd, Shaqha. National Security: a comprehensive perspective- Concept-Relevance-Scope-Components, (Riyadh: Center for studies and research: Nayef Academy for National Security, 2004) p/71.

12 Suleiman Harbi. The concept of Security: Its levels, forms and threats “A theoretical study of concepts and frameworks”, Arab Journal for the Humanities, Issue No. (19). Center for Arab Unity Studies, summer, 2008, p. 27.

Develop the judiciary: the independent judiciary constitutes the solid foundation for the rule of law in post-conflict societies. The process of enhancing the judicial capacity, efficiency and independence aims at building the capacities and competencies of judges, ensuring their integrity and developing the courts and institutional infrastructure.

Enhance the role of CSOs in developing the justice sector: CSOs that operate in the justice sector such as the Bar Association, legal NGOs and human rights organizations, play an important role in enhancing justice sector reform and the culture of the rule of law. For example, the Bar Association plays an important role in advancing the professional level of lawyers, advocating their interests and ensuring their ability to carry out their mission freely. CSOs also play an important role in spreading the culture of the rule of law and respect for human rights among all the groups of the society.

2- Combat corruption: Post-conflict societies are often characterized by the spread of corruption in the different government institutions, and the lack of efficiency, accountability and transparency, especially in the case of transition from a revolution or liberation movement to a state. The case of Palestine is not much different. Despite the efforts exerted to combat corruption and hold the corrupt accountable, enhance transparency and integrity, hold the officials accountable, including the security officers who committed mistakes and made illicit gains through abuse of power and hold them accountable for their mistakes, those efforts are still insufficient.

The relationship between civil peace and the rule of law

Civil peace may be defined as the state of permanent stability, rejection of all forms of fighting or killing, or calling for, inciting on or justifying such actions, or disseminating article, speeches and press conference that consider it inevitable to clash for religious or partisan ideologies. It rejects the shift from the right to differ to an ideology of difference and the reproduction of the hate speech that sheds doubts on the substance of the existing institutional structures, the social contract and the cultural frameworks of coexistence and dialogue¹³.

Civil peace is directly linked to the principle of the rule of law, which can be defined as a comprehensive, modern and responsive legal framework, an efficient, competent and trained judicial system, and administrative departments that operate professionally for the rule of law, a collective culture that believes in the state and its institutions and in the law. In the end, since the security services play the most prominent role in keeping the principle of the rule of law, including fighting crime, the security services shift from being a traditional actor to becoming the most prominent actor in this regard.

Civil peace does not mean community security alone, but includes the right to decent living, economic and social rights and the freedom of opinion and expression. Hence, the society with all its forces and political currents can strengthen the social contract, which constitutes the “memorandum of understanding” among all individuals and groups, with all their differences, on an agreed political and legal rule. It bonds the society based on accepting diversity, renouncing violence, behaving peacefully and in a civilized manner with all fellow citizens, regardless of differences. Developing this kind of social bond requires relentless efforts to create a reality that is void of marginalization, violence and fanaticism, at the political, intellectual social and economic levels. Hence, there is a direct relationship between the concept of civil peace and the level of political and social stability. Civil peace instills the concept of political stability. Moreover, political stability bolsters the foundations of civil peace, since violence causes instability and chaos, and undermines civil peace.

The rule of law and coexistence among individuals leads to individual and community calm and stability, which in turn achieves civil peace. The rule of law constitutes the safety valve for civil and community peace, since it safeguards and protects freedoms and rights of individuals equally, rules among them in accordance with the law, which in turn protects them from any despotic or arbitrary measure taken against them. Laws, regulations and bylaws that regulate the conduct of individuals in the society, treat them equally regarding freedoms and rights and guarantee their rights in a lawful manner, lead to security, stability and calm in the society. The law constitutes the means for legal protection, and preservation of rights and freedoms¹⁴. The rule of law is one of the main indicators of a civil democratic state, which applies the law on all its citizens transparently, fairly and universally. Here lies the direct link between the rule of law and civil peace. Hence, the feeling of equality and justice in enforcing the law leads to the belief in the effective measures applied on all, which constitutes the basis for developing the collective consciousness. Resorting to the law and to LEAs strengthens the role of institutions, which necessarily enhances civil peace¹⁵.

13 Salah Abdul Ati, The role of Education in enhancing civil peace), Modern Discussion, <http://www.m.ahewar.org>

14 Yousef Imad Haddad, previous source

15 Khaled Naseef, Director, Ramallah Center for Human Rights Studies, virtual interview, 25/3/2021.

The social contract and civil peace

It is necessary now more than ever, to have a clear Palestinian social contract, because of its impact on the future generations in terms of strengthening social cohesion and coexistence among the Palestinian citizens, establishing the foundation of the modern civil state, the state of law and institutions, which provide that Palestine is a civil state¹⁶. This identifies the identity of the Palestinian state in the constitutional system in a manner that responds to the aspirations and hopes of the citizens¹⁷. The state shall fulfil its duty to protect, enforce the law, provide services without discrimination, including protecting civil peace.

The military, security and police institutions vary according to the phases, roles, and levels of socio-economic development of the different societies, as well as their structures, which play a role in such variation. Nevertheless, it is possible to find an explanation for enlisting in the military or security services, as means for socio-economic advancement, especially in class-based societies. This perception spread in the rural and marginalized areas, which perceived this as the shortest route to social progress, and to break the stereotypical roles, imposed on them by transitional and discriminatory structures.

There are specific functions for the state. Those include the security institutions providing security services. Today, security is perceived as a service, like education, health, social security etc... However, those services shall be provided with neutrality, integrity and transparency, as a human right rather than a favor from the political system. Consequently, the officer in charge of this public service are held accountable, just like other official responsible for other public services.

In the case of Palestine, the police and security services have not been established in a normal context, but came as a gradual transformation of the structures of the revolution and the revolutionary legitimacy into the PA institutions (constitutional legitimacy), following the Oslo Agreements. The Protocol on security and security services in particular identified their role in keeping public order and fighting terrorism and violence.

Hence, on one hand, the Palestinian police and security services were not established normally. On the other hand, and ore seriously, there is no Palestinian consensus over its functions and tasks. At the practical level, there are different points of view towards the tasks of the security services. The PA and (Fateh) and their allies consider them the core of the national army, and the protectors of the national project. Others consider them the outcome of Oslo Agreements and a tool to protect the outcome of the Palestinian-Israeli agreement. Many persons joined the security services because it is a job opportunity, especially in Gaza Strip. Some leftist and political Islam groups adopts this point of view. Some Palestinian CSOs also perceive them as violators and oppressors of freedoms and rights.

16 For example, the constitution of the Tunisian Republic, issued on 14/1/2014, Title One, Article Two provides that Tunisia is a civil state.

17 A state of citizens or a state of believers: The Constituent Assembly Shapes the Future of Tunisia. <https://middle-east-online.com>.

The army and the security and police institutions operate according to their interests all over the world, and in particular in the Third World. They tend to portray their own interests during the transition period as if they were public national interests. Hence, they are linked to the security and military doctrine of the security institutions. The question is who develops the military and security doctrine of the security institutions in Palestine? Is it the dysfunctional legislature? Is it the Basic Law? The services' command? The President, in his capacity as the General Commander of the security forces? Is it regional considerations?

Is the security doctrine transparent and agreed? A national security doctrine that enjoys consensus and is approved by the citizens' representatives constitutes an element of the social contract. In this regard, the Palestinian police and security services faced some challenges. It must conduct a serious review to draw lessons and embark towards the future. Its security and military doctrine constitutes the most important challenge, since its concept, premises, tenets, philosophy, goals and elements are controversial and do not enjoy Palestinian unanimity. This stems from the different visions of the different components of the Palestinian political system towards the nature of the period, the national program, its implementation, in addition to the external pressure that affects internal and external alliances. At the external level, there are regional and international actors, and an independent Palestinian security policy, far from external and internal influences, especially Israeli influence. At the geo-strategic level, Israel is the most concerned party with internal Palestinian developments. Even if PA wanted to move away or separate itself from the agreements, Israel will not permit it for two reasons: the first is that it constitutes a violation of the bilateral agreements, and the second is that it poses a risk and a threat to "Israel's" security. Hence, it is of utmost importance, now more than ever, to develop a legal and legitimate frame of reference to this important sector, based on the Palestinian social contract. It is important that the security services present themselves as the protectors of rights and freedoms and guarantors of stability and security, based on a Palestinian national security sector strategy that enables CSO participation in developing public policies related to the work of the security services, and ensures open communications, acceptance and interaction with the civil society and community oversight. This fits better the description of the Palestinian police and security services as protective of the constitution, constitutional institutions and democracy and respectful of human rights and human dignity, rather than mere protector of the political system, or a tool for the ruling party, which in turn enhances public trust in them.

Causes of threats to civil peace and social cohesion in Palestine

The transformations of the Palestinian society exacerbated fanaticism and led to violence. Such transformations were manifested in moving from the universal national identity to secondary identities and group affiliations (the family, tribe, clan, sect, creed, region, organization, and faction), giving priority to the individual over the group, the supremacy of the tribal law over the regular law, and outdated traditions over values that support social cohesion. Not one day passes without internal acts of violence, sometimes resulting in exchanges of killing, arson, evacuations, thefts and clashes. Murder, attempted murder, assaults, arson against houses, cars properties, defamation, libel, abduction, extortion and the culture of violence have prevailed at the intellectual and practical levels in the society, and they characterize social relations. There is a serious deterioration in the rule of law, dialogue, solidarity and tolerance, while the law of the jungle prevails, in addition to personal interests, factional and tribal fervor and a mentality of revenge and retribution¹⁸. The police record are replete with thousands of complaints and incidents¹⁹.

The Israeli occupation policies and interests undeniably produce Palestinian violence and have a negative impact on civil peace. However, the occupation and its policies are not the only factor in internal violence in the Palestinian society, since there are economic, social, cultural, political and legal reasons too. The deteriorating economic conditions and large disparities in the standards of living create a feeling of injustice. Unemployment, poverty and marginalization, in addition to the extremist religious discourse, which is far from our religion, and which some extremists in some religious institutions adopt at mosques and satellite channels, or political Islam, benefiting from some outdated laws that are still applicable. Administrative and financial corruption, deteriorating value system, deteriorating role of the national movement, intellectual extremism, political, regional or social fanaticism and ignorance are contributing factors too. The media of all types (editing policy, funding, intellectual and ideological background, the use of foreign jargon to the Palestinian society), lead to charges of treasons, infidelity, conspiracy, hatred, exclusion, etc... the social media, whereby some citizens write posts or comments without differentiating between freedom of speech and libel, defamation and insults. They abuse the social media to threaten civil peace in the Palestinian society. Moreover, lack of governmental and non-governmental policies to confront the threats to civil peace, the spread of arms, lack of the rule of law, discrimination based on the place of residence or on geographical, political or factional bases. The PA cannot access Area (C), and suspects escape there or inside "Israel". The Palestinian judiciary is slow in resolving disputes.

The Palestinian political system is giving up on addressing the causes of undermining civil peace, as there are no preventive solutions to confront the situation, and failure in resolving, treating or even managing crises. There is a political impasse, lack of equal opportunities, lack of tolerance and acceptance of the other. There is exclusion, failure in development, large disparities in the standards of living, aggravated by social norms such as using rage as an excuse (fawret Al-dam) and revenge.

18 Salah Abdul Ati, Peace and Renouncing Violence in the Basic Law and International Human Rights Instruments), Modern Discussion, Issue No. 1469, <http://www.m.ahewar.org>

19 For further details, see the Police Annual Report 2020.

Instilling the foundations of civil peace and social cohesion in Palestine requires providing security and establishing the principle of the rule of law at the national level. This is one of the most important manifestations of the state of law and good governance. One cannot envisage the rule of law amid the hegemony of one power over another, restriction of freedoms and rights or in an undemocratic state.

The civil peace can only be achieved with on-going social dialogue. Hence, the need for changing the social discourse towards developing a new system that respects, but is not closed to historical differences, to develop a new social reality based on human values in its interim programs. Any society that desires to attain stability and civil peace, must provide its citizens with the basic needs, food, clothing, education, healthcare, and respect

for their rights, freedom and human dignity. There is a direct relation between the notion of political and social stability and civil peace, since the latter instills political stability, and the road to stability passes through instilling the foundations of civil peace²⁰.

Strengthening civil peace requires removing the social and economic factors that push people towards fanatical and violent options in their relations with the others, amid the absence of the requirements of economic and social justice. It also requires ending the phenomenon of violence and fanaticism in the Palestinian society, and building a new political life that enables all forces and trends to exercise their rights, and have serious and meaningful participation in development, respect for human rights and human dignity, equal opportunities, social justice, fighting corruption and favoritism, rule of law, service-provision without discrimination or favoritism, eliminating poverty and enhancing the principle of citizenship at the level of rights and freedoms²¹. For any society to build the desired civil peace, the citizens must live their lives, exercise their work with responsible freedom, make a decent living and get their rights easily, without fear from assaults on their rights, money personal safety or the safety of their families.

20 Rita Eid, Spreading and Enhancing the Human Rights Culture, for Civil Peace. Ma'an News Agency

21 Waheed Jubran, et al, The Citizen's Rights , (Ramallah, MIFTAH, 2nd edition, 2013) p. 10-14.

The need for a vision to enhance civil peace and social cohesion

The continued and rising rate of crime is an expected result of absence of a comprehensive national strategy to address crime, overlooking the repeated warnings and recommendations of CSOs, and a result of the culture of violence exacerbated by political economic and social crises. This requires exiting the state of depiction, diagnosis and analysis, to propose and implement solutions and visions.

Such a national strategy shall be inter-sectoral, benefiting from the resources of official, security, cultural and religious institutions, as well as CSOs and institutions of social upbringing. The strategy should have measurable and specific, short, medium and long-term goals, with integrated efforts that must lead to a resilient Palestinian society against challenges. To this end, the strategy must be based on the following principles:

1- Reforming legislations, through developing and completing a modern Palestinian penal code and adopting the family protection law against violence. This shall lead to general and specific deterrence and achieve the concept of criminal justice.

2- Law enforcement agencies, most notably the police and security services, and the justice sector, most notably the judiciary, shall play a crucial role in prosecuting crime and unlawful arms, benefiting from strict sanctions on crimes of possession of weapons, the use of firearms, arms trafficking, manufacturing and smuggling, as provided in the Amended Firearms and Ammunitions Law 2/1998. They shall develop a security policy that stems from the role of the security services, i.e. protect citizens from foreign aggression; protect human rights, respect freedoms, preserve democracy, avoid political conflicts, enforce the law in accordance with international conventions and best practices, protect the Basic Law and the constitutional institutions and preserve civil peace, while taking into consideration transparency, integrity, good governance and accountability in the security sector.

3- Stop relying on tribal solutions that are permissive to crime and promote impunity, and restrict crime prosecution to the regular judiciary, which must be reformed so that it becomes independent, effective, competent, and enjoys integrity.

4- The educational institutions, most notably, universities, colleges and institutes must play an active role in spreading and promoting the values of civil peace, social cohesions, citizenship, dialogue, tolerance and renunciation of violence. Psychologist, sociologists and criminologists should analyze the causes of crime and contribute to finding solutions.

5- Restructure the Palestinian media discourse, so that it contributes to combatting hate speech and confronting incitement and promotion of violence; put in place media training programs on civil peace and adopt a media code of honor on civil peace.

6- Activate the role of civil peace councils in all areas and governorates, enhance security partnership with them, in a manner that enables overcoming the hurdle of political division of the Palestinian areas and communities, and enhances resorting to alternative means of dispute resolution, such as mediation, arbitration, negotiations and dialogue.

7- Engage the private sector in preserving civil peace as part of corporate social responsibility, through playing a larger role in addressing economic decline and unemployment, since they have a direct relation with crime.

8- Establish a coordination body with CSOs to implement interventions for preserving civil peace, through education, awareness, advocacy, lobbying, reaching out to hot areas, encouraging alternative dispute resolution means, providing psychological and legal counselling, and setting up a civil monitor for crime and hate speech.

9- Reconsider the security-based solutions for crimes and civil peace issues and develop a new security policy.

10- The competent training authorities within the Ministry of Interior (MOI) shall train the security personnel on LEA code of conduct related to excessive use of force.

11- Disseminate the findings of the investigation committees formed to investigate the different abuses, as part of the right of access to information and to achieve general and private deterrence that would contribute to preventing such abuses and offences; Implement the recommendations of those committees.

12- Strengthen the capacities of the internal control units within the services, particularly the complaints bureau, and upgrade the complaints unit in those services.

13- Strengthen mass-communication efforts to raise the public awareness on the security services mandate and the nature of their operations. Enhance the positive perception of the security services among the Palestinian public using modern technology, such as developing new websites and pages on the social media as well as radio and TV programs. Publicize the recruitment, appointment and promotion policy and procedures.

14- Cooperate with the civil society in developing security service policies, to make them more acceptable among the public and increase transparency.

15- Conduct official and community reviews of the names of the persons working on tribal issues, to remove any persons who may be abusing their positions for personal gains.

The civil roles that pertain to the role of the police and security services in preserving civil peace

The police and security services and the Palestinians in general, must take several steps in the context of civil peace including:

To raise awareness and educate the public about the importance of social cohesion and civil peace; activate the role of legal units in providing psychological and legal counselling to crime victims, especially women and children; launch full-fledged campaigns for strengthening civil peace; encourage the citizens to resort to the official bodies, including the police and the judiciary, and to seek alternative dispute resolution means, such as negotiations, mediation and arbitration; raise public awareness, detect hate speech; strengthen women access to justice; contribute to mediation and civil peace committees in different regions, and increase research on relevant civil peace topics.

Such efforts shall bolster adherence to civil peace in the Palestinian society, and enable the police and the security services to carry out their functions effectively. This requires that the police and security services focus on the following:

- 1- Address the causes of social tension and unrest, by working radically at the level of the enabling environment for violence and crime, exerting integrated national efforts that strengthen social solidarity.
- 2- Strengthen the independence, effectiveness and responsiveness of the regular judiciary, enabling it to become more modern and capable of protecting rights and freedoms in an expedited manner and with full guarantees to a fair trial at the same time.
- 3- Increase the numbers of police members, since with their current numbers and resources they cannot provide the citizens in the Palestinian Territories with security. Moreover, their skills should be continuously improved.

The official and unofficial institutions shall contribute to enhancing and establishing the principle of the rule of law to achieve justice and equality among the citizens in theory and practice and fight all forms of individual or collective retribution as a transgression against the state and its institutions, rather than a transgression against the citizens' freedoms and rights.

4- The police and security services are required to develop Palestinian security academies, with modern curricula, courses and extra-curricular activities that adhere to human rights, comply with international conventions, democracy, civil education and human rights, enhance values of integrity, transparency and accountability in the security service operations, improve the competence of internal and external control bodies, as well as complaints units; inform the public about LEA cases held accountable because of breaching citizens' rights, which achieves general and specific deterrence and has a positive impact on civil peace.

5- The police shall conduct a rehabilitation process for the perpetrators of various forms of violence and riots, through educational workshops to reintegrate them in their communities.

6- During the forthcoming period, there is a need for continuing security campaigns all over the governorates to instill security, order and the rule of law, arrest fugitives, take expedited judicial procedures in accordance with the law and implement judicial decisions.

At the civilian level, the Civil Forum to Promote Good Governance in the Security Sector, together with CSOs, shall play a more active role to strengthen the role of the police and security services in preserving civil peace in the following manner:

1- The civil peace manual addressing the citizens: The aim of this intervention is to prepare a manual about civil peace addressed to the citizens, and focusing on the security and LEA roles. The manual includes explanations of the concepts and terms related to civil peace, how to strengthen civil peace in the media, culture, values, legislation economy and others, with a focus on security. It explains to the citizens which authorities are competent, and what to do in cases of armed disputes. The manual shall inform the public about the role of the security services in keeping civil peace, and their on-going role.

2- Hold hearing and accountability sessions with the police and security services

Hearing sessions revolve around their tasks and duties to provide the citizens with security as provided by the law, especially in combating crime, chaos of the arms, preserving civil peace, resolve quarrels, keep public order and fight arms possession, manufacturing and trafficking.

3- The civil peace manual addressing the citizens: The aim of this intervention is to prepare a manual about civil peace addressed to the citizens, and focusing on the security and LEA roles. The manual includes explanations of the concepts and terms related to civil peace, how to strengthen civil peace in the media, culture, values, legislation economy and others, with a focus on security. It explains to the citizens which authorities are competent, and what to do in cases of armed disputes. The manual shall inform the public about the role of the security services in keeping civil peace, and their on-going role.

4- Produce a position paper: on the causes and risks that threaten civil peace and social cohesion in the Palestinian Territories, addressing the social, economic and cultural causes of social violence that is seriously threatening the social life of the Palestinians. Hence, the paper shall diagnose the situation in a scientific and academic manner to help the civil peace councils in proposing solutions to social problems, and help the governorates in developing plans and strategies to preserve the foundations of civil peace.

5- Hold hearing and accountability sessions with the police and security services

Hearing sessions revolve around their tasks and duties to provide the citizens with security as provided by the law, especially in combating crime, chaos of the arms, preserving civil peace, resolve quarrels, keep public order and fight arms possession, manufacturing and trafficking.

6-Lobbying and advocacy campaigns: Launch a lobbying and advocacy campaign to compel the Palestinian government to develop a comprehensive inter-sectoral civil peace strategy, such as:

- “Security and peace” radio program: about the role of the security services in preserving civil peace and combating crime and the spread of arms.
- Radio drama: One-minute drama spots, with scenarios and actors, broadcast in the local radios, the security services websites, and in the social media about weapons, crime and threats to civil

peace. Such drama spots are attractive to the citizens because they are simple and interactive.

2-Strengthen the culture of dialogue, acceptance of the other, tolerance, accepting differences, renunciation of violence and respect for diversity, away from accusations of treason and infidelity.

3-NGOs shall launch awareness campaigns about civil peace and against crime, with instructions from the Ministry of Local Government.

4-Reject, prohibit and criminalize incitement discourses that promote violence or seek to escalate intellectual or ideological differences to bloody clashes.

7- Revise the Decision by Law No. (27) Amending Law No. (2) For the Year 1998 on Fire-arms and Ammunitions: which constitutes the major law that addresses the spread of weapons: This intervention aims at revising the new Decision by Law to judge its contribution to confronting the phenomenon of the spread of arms and fighting crime.

References:

Personal interviews:

- 1- Khaled Naseef, Director, Ramallah Center for Human Rights Studies, virtual interview, 25/3/2021
- 2- Rima Nazzal, Journalist, writer and feminist activist, virtual interview, 22/3/2021.
- 3- Yousef Imad Haddad, Chair of the Journalists Rights Advocating Association, Gaza, virtual interview, 24/3/202.
- 4- Dr. Suleiman Jaradat, Advisor to the Governor of Hebron for civil peace affairs, virtual interview, 25/3/2021.

Books

- 1- Abdul Kareem Harbi, The Role of Youth Participation in Supporting Security Institutions, (Riyadh, Nayef Academy for National Security Printers, 2000).
- 2- Mohammad Saleh Bahjat Et al, Social Service in Education and youth care, (Alexandria, Al-Maktab Al-Hadith, 1985).
- 3- Nizam Barakat, Ahmed Taher, Introduction to Political Science, (Amman: Al-Quds Open University, Ed. 1, 1993).
- 4-Fahd, Shaqha, National Security: a comprehensive perspective-Concept-Relevance-Scope-Components, Nayef Academy for National Security, 2004.
- 5- Waheed Jubran, et al, The Citizen's Rights, (Ramallah, MIFTAH, 2nd edition, 2013).
- 6- Suleiman Harbi. The concept of Security: Its levels, forms and threats "A theoretical study of concepts and frameworks" , Arab Journal for the Humanities, Issue No. (19). Center for Arab Unity Studies, summer, 2008.
- 7- Abdul Karim Harbi, Paper on the community role of the security institutions, introduction to a seminar on community and security held at King Fahd Security College, Riyadh, 2004.
- 8- The constitution of the Tunisian Republic, issued on 14/1/2014, Title One, Article Two provides that Tunisia is a civil state.
- 9- The Police Annual Report, 2020.

Websites

- 1- Salah Abdul Ati, Civil Peace and Renouncing Violence in the Basic Law and International Human Rights Instruments, Modern Discussion, Issue No. 1469, <http://www.m.ahewar.org>
- 2- The Palestinian Police, Annual Report, 2020
- 3- Rita Eid, Spreading and Enhancing the Human Rights Culture, for Civil Peace. Ma'an News Agency.
- 4- A state of citizens or a state of believers: The Constituent Assembly Shapes the Future of Tunisia. <https://middle-east-online.com>
- 5- Salah Abdul Ati, The role of Education in enhancing civil peace, Modern Discussion, <http://www.m.ahewar.org>



The Civil Forum to Promote Good Governance in the Security Sector seeks to strengthen good governance in the Palestinian security sector, and to promote a culture of community accountability over its work, thereby contributing towards fortifying security establishments against all forms of corruption, and to enhance a partnership and coordination based efficiency of security agencies. The aim is to achieve a Palestinian security sector that abides by the rule of law and respects basic rights and civil liberties, where officials and staff adhere to the integrity and anti-corruption system and democratic principles, and embrace community accountability, and operate under a national security strategy and doctrine agreed upon by all parties.

The idea to establish the forum was started by a group of activists at civil society institutions relevant to governance in the Palestinian security sector in 2013. The decision to establish the forum was based on the notion of the importance of collective work by all official and grass-roots institutions to formulate public policies and principles relevant to the requirements of public order stability, and building governance in the Palestinian security sector. The establishment of the forum was undertaken by several civil society institutions operating in the fields of rule of law enhancement, respect for human rights, democracy, enhancement of integrity and anti-corruption and the dedication of the policy of community accountability in all areas of work of the Palestinian State.

The Civil Forum to Promote Good Governance in the Security Sector includes the following institutions: The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), Al-Haq Organization, the Treatment and Rehabilitation Centre for Victims of Torture (TRC), the Palestinian Center for Research and Strategic Studies, Institute of Law at the University of Birzeit, the Jerusalem Legal Aid and Human Rights Center (JLAC), the Centre for Defense of Liberties and Civil Rights (Hurayat), the Women's Center for Legal Aid and Counseling, the Palestinian Centre for Peace and Democracy (PCPD), QADER for Community Development, the Palestinian Center for Development and Media Freedoms (MADA), the Civil Commission for the independence of Judiciary and Rule of Law (ISTIQLAL), Filastiniyat Organization, Human Rights and Democracy Media Center SHAMS (forum's coordinator), The Coalition for Accountability and Integrity – AMAN (forum's executive secretary), The Independent Commission for Human Rights – ICHR (observer member).