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THE DANGERS OF US AID to PALESTINIAN SECURITY FORCES

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INTRODUCTION

In March 2005, a U.S. Security Coordinator Team was established with the goal of helping the Palestinians reorganize their security services.

The United States took this initiative to help Palestinian security services, in coordination with military advisers from Canada and the European Union.

The approach of the Team was presented as markedly different from, and more effective than, prior international efforts to help the Palestinians transform the old Palestinian Liberation Organization militia into a professional force that might serve a state.

General Keith Dayton, who held the office of Coordinator for the program for an extended period, is on record as saying about those who were being trained:

*“What we have created are new men.”*¹

In 2009 and again in 2010, the Center for Near East Policy Research produced reports² that took a careful look at the development of this program and its import.

At that time, in many quarters — although most certainly not universally — there was still considerable enthusiasm voiced for the plans.

Persons such as Maj. General Diab el-Ali, Commander, Palestinian National Security Forces, and Senator John Kerry, Chair of the Senate Foreign Relations Committee, spoke about building a Palestinian nation and training security forces that can fight terror.³

A good deal has transpired since, however. In light of recent developments, it is appropriate to revisit the 2009 report, with consideration of its salient points and their implication in a changed political environment.

The updated review follows here.

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EXECUTIVE SUMMARY

USSC PROGRAM ESTABLISHMENT

In early 2005, the United States established the Office of the U.S. Security Coordinator. Lt. General Keith Dayton served for years as Coordinator and primary force in the development of its program. He has now been succeeded by Lt. General Michael Moeller.

The Hamas coup in Gaza, June 2007, convinced the White House and Congress to become serious about a PA force that could keep Hamas out of the West Bank. Some \$370 million has been allocated to train and equip the National Security Forces and the Presidential Guard, primarily in Amman, Jordan.

The goal of this program, stated quite explicitly, was the formation of a Palestinian state. In 2009, General Dayton put a time frame of two years on the establishment of that state.

CRITIQUE

Multiple questions about the viability and advisability of the program must be raised, however, for there are conceptual flaws inherent in its planning. Americans, eager to see a moderate PA state that can defend itself against terrorism, may have been unrealistic.

- A key issue is one of intent of PA troops. Numerous experts attest to the fact that there is no way for a training program to install loyalty to a state. Palestinian society is at core a traditional Arab society, with first loyalty to the clan (some of whose members might belong to Hamas).
- The Fatah (PA) connection to Hamas over time was not attended to with sufficient seriousness. Separation between Fatah and Hamas was never as complete as commonly thought. Throughout the course of USSC training, the potential for the PA to join a unity coalition with Hamas existed. This raises the question of why the U.S. has been funding forces to combat Hamas when those very forces had the potential be controlled by Hamas.
- Similarly, there have been misunderstandings about the PA position on anti-terrorism. General Ya'akov Amidror⁴ explained in 2009:

There is a huge difference in the Palestinian view between law enforcement, which is seen as legitimate, and anti-terrorism, which is NOT seen as legitimate. The U.S. confuses the two.

The PA has no laws against money laundering for terror groups; PA statutes do not define any group as a terrorist organization; The PA maintains no agreement to hand over those who have murdered Israelis to the Israeli government.

There has been no action against Hamas undertaken by PA security forces out of anti-terrorist ideological conviction or solely to protect Israel. PA actions have been pragmatic, and thus subject to reversal.

- There is a history of PA forces having been trained by the U.S. turning their expertise and weapons against Israelis. Now there is concern that this may happen again – particularly if there is frustration if the state Dayton spoke about does not come to fruition. In recent days there have been incidents – including one death – that are of serious concern.
- The human rights record of the PA security forces is horrendous, and there is serious question as to propriety of U.S. support, in light of the evidence.

With all of the above, the bottom line is that the PA has just signed a unity agreement with a terrorist faction overtly sworn to Israel's destruction. American law may well prohibit further support for the PA in light of this situation.

DEVELOPMENT

BACKGROUND

In 1994, after advent of the Oslo Accords, Israel began permitting the PLO to bring in thousands of soldiers of the Palestinian Liberation Army from countries such as Egypt, Iraq, Jordan, and Tunisia.

These efforts were not successful, however, in generating a professional security force for the new Palestinian Authority. The soldiers were well past their prime; old PLA commanders manipulated new recruits for personal gain.

Most significantly, chairman of the Palestinian Authority, Yasser Arafat — whose credo was divide and rule — prevented the establishment of a chain of command.⁵ Instead, he played one commander off another, thus generating chaos and demoralization. The West began seriously working with the PA security forces only after Arafat's death in late 2004.

FOUNDING USSC

In early 2005, the United States established the Office of the U.S. Security Coordinator (USSC). Founder General William Ward served as Coordinator for eight months. He was succeeded in December 2005 by Lt. General Keith Dayton, a primary force in developing the program; General Dayton left in October 2010 and has been replaced by (a lower profile) Lt. General Michael Moeller.

The goals established for the USSC included coordination of Western funding and its allocation toward reform and restructuring of the PA security forces and training of personnel.⁶

A month after Dayton took office, the Hamas victory in Palestinian Legislative Council elections severely impacted USSC plans: Hamas, which held a majority of the seats in the legislature, was heavily represented in the government, notably with Ismail Haniyeh as prime minister. In addition, it had created its own security forces, with generous funds from Iran and Syria.⁷ U.S. Plans for developing a PA security force were curtailed, and no funds of substance were forthcoming.

During this time, USSC focused on coordinating international activity to stimulate the Gaza economy.⁸ Additionally other U.S. agencies⁹ provided counter-insurgency and bomb squad training to the Presidential Guard — which reported directly to PA president Abbas and was considered not to be Hamas-influenced.¹⁰

Effects of Hamas Coup

In June 2007, Hamas fighters routed a U.S.-equipped and -trained¹¹ PA force that was 10 times bigger and captured the Gaza Strip. For Dayton, the coup marked a major blow, as well as a loss of credibility. Only days before the coup, Dayton had assured a House committee that PA security forces were capable of confronting Hamas and that the Islamic movement was losing support.¹²

However, both the White House and Congress saw the coup as a wake-up call. An official separation — in reality not as clear or absolute as it was represented as being¹³ — between the Fatah-contingent of the PA and Hamas then ensued: PA president Mahmoud Abbas fired Hamas's Haniyeh and appointed in his stead as prime minister Salam Fayyad, a political independent, who was greatly popular with Western governments and perceived as a competent moderate.¹⁴ This move made it possible for the U.S. to now support a PA that was separate from Hamas, and ultimately would stand against Hamas.

Within weeks after the Hamas takeover, President George W. Bush announced an \$86 million security assistance program for the PA, allocated solely for the West Bank. In 2008, the Bush administration and Congress added another \$75 million to PA security training. In June 2009, with the support of the Obama administration, Congress approved \$109 million for training to be expended through 2011. The administration requested another \$100 million for fiscal 2010 through the State Department's International Narcotics Control and Law Enforcement program.¹⁵

Program

Dayton decided to train and equip the National Security Forces and Presidential Guard, with NSF envisioned as the largest security agency and PG an elite unit that would protect the Abbas regime.

Since the onset of the program, seven NSF battalions have been trained at the Jordan International Police Training Center outside Amman. Trainees have been a mix of troops already in service and new, young recruits.¹⁶ From May 2008, only new recruits, many 20 years old, have been sent for training in Jordan.

At present, there are approximately 9,500 troops in the NSF and 2,300 in the presidential guard¹⁷ — approximately 3,500 of the NSF troops have been trained via the U.S. program.¹⁸

There is a requirement that before they are admitted to U.S.-sponsored training courses troops must be vetted for terrorist links, human rights violations, and/or criminal records by the CIA, Israel Security Services (*Shabak*), Jordan intelligence, and PA intelligence.¹⁹

(It must be noted that there are in the Security Forces some previously trained troops who have not participated in the U.S.-sponsored courses. What is more, there is a history of a PA proclivity to merge troops associated with terrorist groups, most notably Fatah's Al-Aksa Brigades, into the forces.²⁰)

The U.S.-trained battalions have been deployed in Hebron, Jenin, and Nablus and have been used in operations in Kalkilya and Tulkarm. In these areas the IDF has pulled back and allowed PA troops more latitude, but reserves the right to act as necessary and still does anti-terrorist operations at night. Cooperation between the IDF and PA security forces has increased.

Focus within the program is on training, equipment, infrastructure and the formation of an effective chain of command.²¹ The curriculum calls for an intense 1,400-hours of instruction.²² Manuals are provided by the State Department's Bureau of International Narcotics and Law Enforcement Affairs. DynCorp International, headquartered in Falls Church VA, is contracted to provide the American training supervisors — who oversee Jordanian Arabic-speaking instructors — and equipment, according to specifications laid out by the Coordinator.

Questions remain as to whether the goal of training is a gendarmerie, a paramilitary force similar to that employed in such countries as Algeria, France and Italy, or whether the model for the NSF is the U.S. National Guard — a force complete with armored personnel carriers, heavy weapons, light aircraft and advanced communication systems. A force modeled on the National Guard would be less than a full-fledged military but would be as powerful as many of the armed forces in the Middle East.²³

Efforts have been made to separate the PA security forces from Fatah, but despite this, virtually every officer in the PA forces remains a member of Fatah and pays dues from his monthly salary. These officers are taught to pledge allegiance to Fatah and its militia.

THE HEART OF THE MATTER: A PALESTINIAN STATE

In all venues, the goal is made clear: The training for PA security forces is not being done simply to improve the capacity of the PA to maintain order, it is, rather, being done so that the Palestinian Authority will be in place to establish a state.

The forces being trained are seen as having two-roles vis-a-vis building that state.

One is establishment of law and order on the street. The other is confronting and taking down terrorists, primarily Hamas, in the West Bank: As this program was set up, it was understood to be essential that PA forces have the capacity to stand against Hamas so that what happened in Gaza would not be repeated in the West Bank. Dayton refers to this as “Peace through Security.” In 2009 he declared:

*“We are now on that road, and we can make out the outlines of the destination ahead.”*²⁴

While in a speech in Tulkarm in late April 2009, addressed to a battalion that had recently completed the U.S. training in Jordan, General Dayton stated:

*“As I look at you, I couldn't be more proud of the fact that you stepped up to be the founders of a Palestinian state.”*²⁵

While in his address to the Washington Institute for Near East Policy, on May 7, 2009,²⁶ General Dayton explained:

“...these young men [who have been through the training in Jordan], when they graduate, and their officers believe that their mission is to build a Palestinian state.”

In his talk, General Dayton described an interactive process that is highly politicized: The Coordinator's team is “well tied in with the efforts of the Quartet special representative Tony Blair, and his team,” and “with...the roadmap monitor and reports directly to Secretary of State Clinton.”

Dayton, however, did not envision the process of creating a state as something that must take as long as it needs to take, until all elements are solidly in place. He did not counsel patience and perseverance. On the contrary, he told his listeners at the Washington Institute²⁷ that:

“With big expectations, come big risks. There is perhaps a two-year shelf life on being told that you're creating a state, when you're not.”

CRITIQUE

CONCEPTUAL FLAWS in the PROGRAM

Major-General (res.) Ya'akov Amidror²⁸ — former commander of the IDF's National Defense College and former head of the IDF's research and assessment division, with special responsibility for preparing the National Intelligence Assessment — suggested²⁹ when the original report was written that the Americans might possibly be acting with a certain naiveté in drafting their plans, operating on the basis of their dreams [for peace in the Middle East and the advantages of fostering a two-state solution], while ignoring pertinent facts.

A prominent Palestinian journalist interviewed³⁰ for the original report agreed:

“To expect political fruits from this is a mistake – an illusion.”

Loyalty

While Dayton had explained,

“The graduates [of the training program in Jordan] have been extensively schooled...on loyalty to the Palestinian flag and the Palestinian people.”³¹

General Amidror observed³² that:

“You cannot train people to be loyal to what they don't believe in.”

Dr. Mordecai Kedar, research associate at the Begin-Sadat Center for Strategic Studies at Bar Ilan University,³³ said that, yes, the troops can be loyal to the PA for the present.

“However, when (not if) there will be domestic problems in the PA/Palestinian State these people will be loyal primarily to their clan [Arabic: hamula] rather than to the state, since they will never shoot their brothers or cousins... you can surely say that their loyalty will be according to the context of the event in which their participation will be required.”

Explained a prominent Palestinian journalist,³⁴ the clan system is not as strong as it once was, and Dayton had tried to work around it. However:

“This is Arab society. You can't erase a centuries-old tradition—can't tamper with culture. It will never work. You can't impose a solution on anyone.”

To grasp this essential fact — and to recognize that members of a given clan may include both ruffians and terrorists who none-the-less command clan protection — is to understand that General Dayton may have been over his head when he imagined that he was training troops who would, under all circumstances, act for the good of a Palestinian state.

As to motivating troops to act for a Palestinian state, a knowledgeable Palestinian in touch with what is going on observed³⁵ that often the first concern of the troops is not a state, but job security.

THE HAMAS FACTOR

As the PA troops have been trained by the U.S., the rationale — explored above — has been that they would be made strong enough to keep Hamas, an Iranian proxy, out of the West Bank: the conceptualization was that of West Bank versus Gaza.

In point of fact, however, it has been a question of one group (Fatah) versus another (Hamas); and the reality is that there has been considerably more connection between the two than has often been recognized. As mentioned above, as early as 2008, Public Security Minister Avi Dichter had charged that the PA was transferring roughly 4 billion NIS (shekels) each year to Hamas to help pay salaries of its workers and security officers.³⁶

At the time that the original report was written, there was talk — not for the first time — of the formation of a Hamas-Fatah unity government.³⁷

That unity coalition did not come into being. But as it was being proposed, it would have seen a revamping of PA security forces under exclusively Arab auspices: Hamas is particularly contemptuous of training for PA forces done under U.S. auspices.

Additionally, Hamas was demanding that Fatah release all Hamas prisoners being held by the PA. According on one source,³⁸ if PA president Mahmoud Abbas had released Hamas prisoners as a gesture, even if the unity coalition never materialized, he would have made a mockery of Dayton, who was supposed to be working to ensure that the PA forces arrested Hamas operatives with terror links.

The American institute JINSA, the Jewish Institute for National Security Affairs, was quite clear in its position on this issue:

“This institute has frequently expressed concern that the United States is training Palestinian security forces without a clear understanding of the authority to whom the force will ultimately answer.”³⁹ (Emphasis added)

(From the JINSA perspective, Hamas control might have come simply as the result of legislative elections in the West Bank — even if no unity coalition were established.)

As this updated review is being written, a Fatah-Hamas unity deal has just been established.⁴⁰ Details of security arrangements in this unity coalition are not yet known, but it is a certainty that Hamas will be heavily involved; control of Gaza is to remain in Hamas hands and the PA is expected to release Hamas members in its prisons. Elections are projected to follow in a year.

Critical Questions

It is time to ask why the U.S. has been expending effort and funds on training a force that was expected to contain or take out Hamas, when the reality all along has been that Hamas might command these very forces some day.

Additionally it must be asked at what point in the current Fatah-Hamas unity process the U.S. will decide that further investment in the training of PA forces has become inappropriate.

PA POSITION ON TERRORISM

Observed⁴¹ General Amidror in 2009:

“There is a huge difference in the Palestinian view between law enforcement, which is seen as legitimate, and anti-terrorism, which is NOT seen as legitimate.

“The U.S. confuses the two.”

This assessment has never been properly assimilated by U.S. authorities involved with the training program.

The U.S. was reassured because PA forces for some period of time were taking on Hamas in a variety of contexts and sometimes successfully. This was read as a turning point in the attitude of the PA — a new and genuine cooperation with the West with regard to combating terrorism.

However, the more realistic scenario, attested to by a number of sources, is this:

It suited PA purposes to conduct itself this way because of a convergence of interests. The only time the PA forces did security operations was when Hamas was undermining the PA.

The “anti-Hamas” operations that were done then pleased the West, and engendered support — in particular from the U.S.

There was, however, no action against Hamas ever undertaken by PA security forces out of anti-terrorist ideological conviction or solely to protect Israel. There has not been a single case in which the PA security forces have taken arms from Hamas people when they were shooting at Israel.⁴²

This basic fact is critical to an understanding of what has been happening.

The evidence that the PA is not opposed to terrorism is extensive:

Salam Fayyad, PA prime minister, reached an agreement with the forces of Al Aksa Brigades — a terrorist group linked to Fatah — not to arrest them, as long as they maintained a low profile. Al Aksa people are sheltered and receive salaries from Fayyad.⁴³ When PA security troops were deployed in Nablus, Aksa people who had not been trained in Jordan and were not vetted received command positions, this included one individual who had engaged in extortion.⁴⁴

The point is that Al Aksa presents no threat to the PA, and so the fact that it may have the capacity and motivation to kill Jews is of no interest.

On February 28, 2008, Mahmoud Abbas, president of the PA, gave an interview to the Jordanian daily, *Al Dustur*.

“At this present juncture, I am opposed to armed struggle because we cannot succeed in it, but maybe in the future things will be different.

I was honored to be the one to shoot the first bullet in 196, and to have taught resistance to many in this area and around the world, defining it and when it is beneficial and when it is not...”⁴⁵

On July 30, 2008, Salam Fayyad told reporters in Cairo:

*“We are certainly an occupied people and resistance is a legitimate right for the Palestinian people as an occupied people.”*⁴⁶

In August of 2008, Fatah held its first conference in twenty years. Abbas, in his opening address, said:

“It is the right of people to say ... these negotiations [with Israel] are in vain...”

“Although peace is our choice, we reserve the right to resistance, legitimate under international law...”

“We are not terrorists, and we reject a description of our legitimate struggle as terrorism.”

Word play: “Resistance” is a code word within Palestinian society for violent action against Israel. Cautioned one expert:

*“The Palestinians are very honest about their intentions. You have to listen to what they say in Arabic, not what they say in English.”*⁴⁷

It is because PA action against Hamas was self-interested pragmatism and not based on anti-terrorist principle that the leadership has been ready to consider a unity coalition with Hamas, which has never tried to hide its commitment to terrorism.⁴⁸

For a long time, the PA has been playing both ends against the middle. This could not have been sustained indefinitely. Once the decision was made that there was more to gain from cooperating with Hamas than from taking on Hamas, there was a significant shift in the PA position.

This shift represents a repudiation of General Dayton’s efforts.

Lack of necessary PA statutes and agreements

- The PA has no laws against money laundering for terror groups.
- PA statutes do not define any group as a terrorist organization.
- The PA maintains no agreement to hand over those who have murdered Israelis to the Israeli government.

RISK to ISRAEL of ATTACK by PA FORCES

The possibility that PA forces being trained by the U.S. would eventually turn on the IDF, using enhanced skills and equipment, was considered exceedingly high as the original report was written.

There is strong precedent for this, as PA security forces trained by the CIA have several times turned on Israel, in particular in 1996 and following, and again during the Second Intifada that began in 2000.⁴⁹

Several knowledgeable sources consulted for the 2009 report considered it inevitable that in the end the PA forces would once again turn on Israel. It was thought that neither the vetting being done nor the alleged training for loyalty would ultimately make a difference.

What makes this all the more likely is the linkage of the forces' training to the formation of a state. Dayton himself made a veiled threat in this regard when he said:

*“With big expectations, come big risks. There is perhaps a two-year shelf life on being told that you're creating a state, when you're not.”*⁵⁰

PA Prime Minister Salam Fayyad picked up on the “two-year” theme and announced on August 25, 2009 that it was a “must” that a “de facto” Palestinian state be established within two years,⁵¹ during which time he would build the institutions necessary for the state.

That “two-year” benchmark is only three months away now, and it is well beyond the realm of possibility that a Palestinian state might be negotiated between the PA and Israel in that time. The plan⁵² that was advanced by Fayyad reflects neither moderation nor the compromise necessary for reaching an agreement with Israel;⁵³ at present there are no negotiations, nor are any anticipated.

It is, perhaps, time to ask what will happen if no Palestinian state is established within two years, or if one is declared unilaterally that is not moderate in its principles and practices and is not accepted by Israel. If the forces trained by the U.S. have been led to believe that they are building a state and see Israel as the obstacle to the founding or acceptance of that state, against whom will they apply their enhanced military expertise?

Recent Incident of Murder

On April 24, 2011, Israeli Ben-Yosef Livnat was shot and killed – and four others shot, one seriously – by one or more members of the PA police, while they were leaving Kever Yosef (the Tomb of Yosef – a Jewish holy site), outside of Nablus (Shechem), in an area maintained by the Palestinian Authority.⁵⁴

Livnat, and fellow Breslov Chassidim had gone to the Kever to pray; they were on their way out when the shooting occurred. To have followed procedure, the Breslov group should have first notified the IDF, which would have coordinated with the PA. However, according to Gershon Mesika, chairman of the Samaria Regional Council, the Breslov Chassidim were known to the PA authorities⁵⁵ – the PA forces knew that they came to pray regularly and presented no risk.

Other Incidents

According to a key source, an Israeli journalist with extensive security expertise, “Things are beginning to heat up now”: In places such as Tulkarm, **PA Security Forces have begun shooting at Israeli troops.**

Shooting “at,” as no one has been hit at this point. But this may well signal a shift in the PA position that accompanies its new relationship Hamas. After the announcement was made concerning the impending unity agreement, an IDF source was cited⁵⁶ as saying that it will have “significant implications” with regard to PA-IDF cooperation, and “is likely to rattle things up.”

PA CAPACITY TO STAND AGAINST HAMAS

There is a strong body of opinion (relevant if there is no unity agreement) among reputable military analysts that, were the IDF to pull out, PA security forces would never be able to combat Hamas on their own. A host of factors play into this: clan allegiances, ambivalence about combating terrorism, the PA force reluctance to take on the tough jobs, and demonstrated lack of morale and determination.

The fierce determination of Hamas to sabotage the PA should not be underestimated. In 2009, PA General Intelligence concluded that Hamas had recruited senior PA officers to spy on the political and security leadership.⁵⁷

General Amidror⁵⁸ — who has pointed out that in Gaza some Fatah forces joined Hamas instead of fighting it — believes U.S.-trained PA forces can be effective only under the IDF umbrella, with the IDF maintaining the right to garner intelligence and act on it, monitoring what comes into the West Bank.

Col. Richard Kemp, former Commander of British Forces in Afghanistan, similarly sees dangers for Israel in a withdrawal from the West Bank that leaves PA Security Forces in control:

“To stand any real chance of success, every insurgent or terrorist movement needs a safe haven to operate from. Israel has had more than a flavor of what it can mean to leave hostile groups in control of lands adjacent to its own borders in southern Lebanon and in Gaza. Any similar move to totally cede control to the Palestinians of the West Bank or a part of Jerusalem would carry immense risk.”⁵⁹

In late 2010, officials at Israel Defense Forces Central Command reported⁶⁰ that Israeli troop levels in the West Bank were at the lowest level in two decades ago. Central Command attributed the troop reduction to **the improved preemptive capabilities of the IDF and Shin Bet security service.**

The IDF noted the increased cooperation with PA forces, and those trained by the U.S. in particular. But it is exceedingly instructive that it was not the PA forces themselves that were credited with making it possible for IDF troop levels to be reduced. Rather, Command Central officers cited the IDF’s targeted killings of militants and improved intelligence-gathering capabilities.

FURTHER CONCERNS

Failures in the Field

The 2009 report indicated failures in missions by U.S.-trained forces in the West Bank. In several cases, heavily-armed and large numbers of PA troops failed to overcome insurgents in such West Bank cities as Jenin, Kalkilya and Nablus. PA agencies were unable to communicate, the chain of command proved inadequate and discipline was deemed extremely low.

Because almost every officer in the PA security forces remains a member of Fatah, pledging allegiance to Fatah and its militia, PA units have refused to battle Fatah militia fighters or stop their sabotage.

In Nablus, elite PA forces trained in Jordan were reported as having been unwilling to stop Fatah militia operations, including extortion and abductions.

While there has been improvement since 2008, it remains the case that PA operations are limited in scope, with the IDF taking on tasks that the PA forces will not or cannot confront.

In one instance that has been verified,⁶¹ when PA Prime Minister Salam Fayyad moved into a remote part of area A (where the PA is supposed to be responsible for security), IDF troops were used to protect him. They operated at a distance so as to not embarrass the PA forces.

Operational Weaknesses

Conversations held in 2009 with numerous PA officials and security sources as well as with diplomats with intimate knowledge of the program and PA security agencies yielded insights regarding the manner in which the program was being operated:

Criticism came from senior PA commanders and even from Prime Minister Salam Fayyad with regard to the venue of training, type of instruction and cost. In the absence of transparency, it was unclear how accurate the PA criticism was. But it clearly pointed to a gap between U.S. and PA assessments of the requirements of Palestinian security forces.

Some PA officials asserted that the program in Jordan is largely irrelevant to requirements in the West Bank. They argued that most of the four-month program could be as easily taught in new PA security facilities in Jericho.

In July 2009, Fayyad, responsible for PA security, told a meeting of security commanders that he was dissatisfied with the quality of the training in Jordan.⁶²

The Palestinian director of NSF training determined that his cadets were not absorbing the advanced instruction and called for a simpler program designed for the level of raw recruits.⁶³

Another concern was with regard to expenses. The cost of training in Jordan is many times what it would be in the West Bank (Jericho). An NSF battalion would be able to complete the same course in Jericho within three rather than four months, at a cost of \$700,000. The same training at the Jordan International Police Training Center now costs \$11 million.⁶⁴

Human Rights

Whatever the results of the U.S. training program, virtually all Palestinians agree that it has not improved human rights. Palestinian and other human rights organizations report brutality, torture and arbitrary arrest by those PA security forces trained by both the United States and European Union.⁶⁵

"The PA has repeatedly responded to peaceful demonstrations with violent attacks, even as its security services enjoy impunity for systematic torture," said Sarah Leah Whitson, Middle East director at Human Rights Watch, speaking in February 2011.

"What further evidence could the US and the EU possibly need that they should not hand over even more money to Palestinian security agencies until they are held accountable?"⁶⁶ (Emphasis added)

Additionally, as recently as April 2011, there have been charges of severe harassment by Palestinian Authority security forces targeting Palestinian journalists in the West Bank, [which] "has had a pronounced chilling effect on freedom of expression."

Human Rights Watch has released a 35-page report documenting cases in which security forces tortured, beat, and arbitrarily detained journalists, confiscated their equipment, and barred them from leaving the West Bank. **The report urges foreign donors to the Palestinian Authority to condition aid to security forces on concrete accountability measures.**⁶⁷

LEGAL RESTRICTIONS

Whatever the merits, or lack thereof, of the U.S. program for funding of the Palestinian Authority Security Forces, a strong case can be made for the fact that this project is or is about to become prohibited by U.S. law.

Portions of a memo from the offices of Senator Mark Kirk, late April 2011:

Restrictions on U.S. Assistance to a Unity Government

For the situation at hand, the relevant statute remains the Lowey-Kirk language contained in Section 1107 of the Supplemental Appropriations Act, 2009 (Public Law 111-32). That bill was accompanied by committee report language providing further guidance to the executive branch.

Under this provision, no U.S. funds may be provided for:

- 1) salaries of personnel of the Palestinian Authority located in Gaza;
- 2) assistance to Hamas or any entity effectively controlled by Hamas; or
- 3) **any power-sharing government of which Hamas is a member** (emphasis added), unless the President certifies to Congress that “such government, including all of its ministers or such equivalent, has publicly accepted and is complying with” the core requirements of the Palestinian Anti-Terrorism Act of 2006, which are:
 - a. publicly acknowledging the Jewish state of Israel’s right to exist; and
 - b. committing itself/themselves and adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’)

The accompanying report language further defined “such equivalent” as “other officials of such equivalent rank and stature” and further defined “publicly accepted” as “in writing by such government and its ministers.”

Section 1107 was carried forward in Section 7040 of the Consolidated Appropriations Act, 2010 (Public Law 111-117) – and this section carried forward by Section 1101(a)(6) of Division B of the recently enacted Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10).

Will Any PA Personnel Be Located in Gaza?

Regardless of the technical details of the unity government, the governing statute cited above strictly prohibits U.S. funding for the salaries of Palestinian Authority personnel located in Gaza.

Will Hamas Effectively Control Any Palestinian Entities?

Assistance to Hamas or any entity effectively controlled by Hamas is strictly prohibited under current law. Therefore, any PA agency, institution or ministry effectively controlled by Hamas would be ineligible to receive U.S. funding.

Have Ministers of the New Government Accepted Key Principles?

The governing statute clearly states that each minister or such equivalent must publicly acknowledge the Jewish state of Israel's right to exist and commit him or herself to all previous agreements and understandings with the United States, Israel and the international community, including the Roadmap to Peace (which includes the renunciation of violence).

Did They Accept the Key Principles in Writing?

A verbal statement, whether issued in public or private, is not enough to satisfy the governing statute. The Committee clearly defined "publicly" as "in writing." We must be able to see signed copies of each minister or equivalent's acceptance of key principles.

What about Officials of Equivalent Stature or Rank to a Minister?

Just because someone is not called "minister," doesn't mean they are above the law. The Committee clearly defined "equivalent" as an official with an equivalent rank or stature to a minister. If any such positions are created by the unity government agreement, those individuals must accept the key principles in writing as well.

Will Hamas Security Forces Work in Coordination with PA Security Forces?

According to news reports, the final Fatah-Hamas agreement may include "security arrangements" to facilitate Fatah-Hamas border and other security cooperation. On November 24, 2010, Secretary Clinton re-designated Hamas as a foreign terrorist organization (FTO) in accordance with section 219 of the Immigration and Nationality Act (INA), as amended. Therefore, should PA security forces enter into cooperation with Hamas security forces, U.S. assistance for Palestinian security may be prohibited.

Has Hamas Joined the Palestine Liberation Organization?

According to news reports, the final Fatah-Hamas agreement may include a "restructuring" of the Palestine Liberation Organization (PLO) to permit Hamas to join. On November 24, 2010, Secretary Clinton re-designated Hamas as a foreign terrorist organization (FTO) in accordance with section 219 of the Immigration and Nationality Act (INA), as amended. Therefore, should Hamas join the PLO, the Secretary may be forced to designate the PLO as an FTO.

Under the law, such designation would make it unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide "material support or resources" to the PLO (i.e. any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who maybe or include oneself), and transportation, except medicine or religious materials).

¹ Address by Lt. Gen. Keith Dayton to the Washington Institute. May 7, 2009.

² http://israelbehindthenews.com/library/pdfs/Assessment_of_US_Military_Aid_to_Fatah_US.pdf

<http://israelbehindthenews.com/library/pdfs/PAforces.pdf>

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³ Maj. General Diab el-Ali, Commander, Palestinian National Security Forces, in Interview with Defense News, October 19, 2009, p. 22.

*“We're building a force to defend our people, and also **to help the Palestinians build a nation...Part of the PNSF will be...like a basic army, and... will have [its] own requirements and specialty areas...**” (emphasis added)*

Senator John Kerry, Chair of the Senate Foreign Relations Committee, in a talk to the Saban Center of the Brookings Institution on March 4, 2009:

*“...We must help the Palestinian Authority deliver for the Palestinian people...Most importantly, this means strengthening...efforts to train Palestinian security forces that can keep order and **fight terror.**” (Emphasis added)*

⁴ Former commander of the IDF's National Defense College and former head of the IDF's research and assessment division, with special responsibility for preparing the National Intelligence Assessment.

⁵ Gal Luft, "The Palestinian Security Forces: Capabilities and Effects on the Arab Military Balance."

⁶ Address by Lt. Gen. Keith Dayton to the Washington Institute, op. cit.

⁷ Ibid.

⁸ Ibid.

⁹ The U.S. Secret Service, State Department's Bureau of Diplomatic Security and U.S. embassy in Tel Aviv.

¹⁰ Human Rights Watch report, "Internal Fight," July 29, 2008.

¹¹ In late May, 2003, prior to the establishment of USSC, CIA operatives in Gaza had began training a PA anti-terror force in anticipation of a confrontation with Hamas. See Khaled Abu Toameh, *The Jerusalem Post*, May 27, 2003.

Subsequently, the US transferred to Fatah forces in Gaza loyal to Mahmoud Abbas American-made small arms and ammunition as well as a wide range of military equipment and vehicles. Much of this equipment was seized by Hamas during its coup. See Nick Francona, The Washington Institute for Near East Policy, August 27, 2007.

¹² Dayton testimony to House Foreign Affairs Committee. May 23, 2007.

¹³ According to Public Security Minister Avi Dichter last year, the PA transfers roughly 4 billion NIS (shekels) each year to Hamas to help pay salaries of its workers and security officers. *The Jerusalem Post*, May 25, 2008.

¹⁴“ Mr. Fayyad...has gained the confidence of the West...” *The New York Times*, August 25, 2009.

“Mr. Fayyad is the West's most trusted Palestinian partner. He has won praise from the U.S. and other Western countries...” Charles Levinson, *Wall Street Journal*, March 13, 2009.

¹⁵ "U.S. Security Assistance to the Palestinian Authority." Congressional Research Service, June 2009.

¹⁶ "U.S. Security Assistance to the Palestinian Authority," Congressional Resource Service, June 2009.

¹⁷ http://www.carnegieendowment.org/files/gaza_west_bank_security.pdf.

¹⁸ <http://www.jpost.com/Defense/Article.aspx?id=218738>.

¹⁹ "U.S. Security Assistance to the Palestinian Authority," June 2009, op. cit.

²⁰ In a piece in the *Jerusalem Post* on June 24, 2007, Khaled Abu Toameh reported that PA president Abbas was going to merge Al Aksa Brigades, a terrorist arm of Fatah into the security forces:

"All the members of the Aksa Martyrs Brigades will become official members of the security forces," sources said. "We want them to become a legitimate force operating within the frame of the Palestinian security forces."

²¹ Address by Lt. Gen. Keith Dayton to the Washington Institute, op. cit.

²² See description of courses by Stephen Smith, "Too Little, Too Late," *The New York Times*, May 19, 2008; Smith was part of an American monitoring group.

²³ "Palestinian security force would be modeled after U.S. National Guard," *Word Tribune*, July 21, 2009.

²⁴ Address by Dayton to the Washington Institute, op. cit.

²⁵ Reuters, May 27, 2009.

²⁶ Op. cit.

²⁷ Address May 2009, op. cit.

²⁸ Now serving as National Security Advisor to Prime Minister Netanyahu.

²⁹ General Amidror was interviewed for the original report on September 5, 2009.

³⁰ September 16, 2009.

³¹ Address by Dayton to the Washington Institute, op. cit.

³² In interview, op. cit.

³³ Interviewed via telephone and e-mail exchanges over early September 2009, for purposes of the original report.

³⁴ In interview, op. cit.

³⁵ Ibid.

³⁶ *The Jerusalem Post*, May 25, 2008.

³⁷ According to Reuters, on September 14, 2009, Fatah reiterated its commitment to an Egyptian proposal for a joint government. Khaled Abu Toameh, writing in *The Jerusalem Post* on September 29, 2009, reported that the day before Hamas accepted the plan as well. A Hamas representative made it clear that this did not mean Hamas had made any concessions.

For evidence of increased Fatah (PA) radicalization under the influence of Hamas, see:

<http://www.israelbehindthenews.com/library/pdfs/FatahModerate.pdf>.

³⁸ An Israeli journalist, Arab-speaking and with PA connections, interviewed for this report.

³⁹ See, for example, JINSA Report # 900 of June 23, 2009.

⁴⁰ Hamas politburo chief Khaled Masha'al and PA President Mahmoud Abbas have signed in Cairo.

⁴¹In interview, op. cit.

⁴² Dr. Michael Widlanski, an Arabic-speaking specialist in PA media and politics , who was interviewed by phone for the original report on August 27, 2009.

⁴³ Israeli journalist with PA connections, op. cit.

⁴⁴ Ibid.

⁴⁵ Palestinian Media Watch, February 2008 Bulletin.

⁴⁶ Reuters.

⁴⁷ Palestinian journalist, in interview, op. cit.

⁴⁸ From the Hamas charter:

“[Peace] initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of the Islamic Resistance Movement....

“There is no solution to the Palestinian problem except by Jihad.” (article 13)

⁴⁹ From the *NY Sun*, August 21, 2007: A senior officer of PA president Abbas's Force 17 Presidential Guard unit, Abu Yousuf, told the *Sun* in an interview: “I do not think that the operations of the Palestinian resistance would have been so successful and would have killed more than one thousand Israelis since 2000...without these [American] trainings.”

Excerpt from journalist Roni Shaked, “Military Intelligence Warns About CIA Training of PA,” *Yediot Ahronot*, August 27, 1999 (translated by IMRA).

“Today there is already a difference of opinion regarding the merit of advancing Palestinian intelligence capabilities. In the GSS (Shabak) it is said that the American training helps in the struggle against terror. In Military Intelligence they think otherwise. The Palestinians, Military Intelligence maintains, also use the intelligence and knowledge against Israel.

According to a senior member of the Israeli defense establishment, the American-Palestinian connection hurts Israel – and in a big way. “Every course advances them, raises their level, helps them to become more professional. The CIA invests in them, gives them good courses. They get fantastic equipment, not just from the USA, also from European countries. The problem is that they also use the equipment against us, instead of using it to trap terrorists. So, for example, in the area of surveillance, they have a surveillance unit that monitors Israeli targets. And if you have advanced equipment, there is no problem monitoring military communications networks, intelligence networks or cellular phones.”

⁵⁰ Washington Institute Talk, op. cit.

⁵¹ www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1251145110420

⁵² See <http://www.geneva-accord.org/images/Offical%20Paper%20-%20Program%20of%20the%20Thirteenth%20Government,%20August%202009.pdf>.

⁵³ Fayyad's plan reflects not an iota of change – the demands remain the same: return of refugees, a state to the pre-1967 line, Jerusalem as the capital, etc. What is more, other provisions make it clear that the state envisioned by Fayyad would not be moderate at all: It speaks, for example, of maintaining Shari'a courts, the antithesis of a modern democracy. This is not a recipe for reaching an accord with Israel.

⁵⁴ The Kever was originally under the control of the IDF, which had pulled out in 2000 in the face of Arab unrest. The PA, which took over, was pledged to protecting the site for Jewish prayer; a pledge honored in the breach.

⁵⁵ <http://www.israelnationalnews.com/News/News.aspx/143676>.

⁵⁶ <http://www.ynetnews.com/articles/0,7340,L-4061591,00.html>.

⁵⁷ "PA Security Forces Face Steep Climb to Reform," *Jane's Defense Weekly*, May 14, 2009.

⁵⁸ In interview, *op. cit.*

⁵⁹ From an August 2010 briefing for the Jerusalem Center for Public Affairs.

⁶⁰ <http://www.haaretz.com/print-edition/news/west-bank-sees-lowest-idf-troop-levels-since-first-intifada-1.327262>.

⁶¹ By a (second) Israeli journalist with PA connections who spoke off the record.

⁶² "Palestinian Authority Seeks Changes in Security Training," *Jane's Defence Weekly*, August 5, 2009.

⁶³ *Ibid.*

⁶⁴ *Jane's Defence Weekly*, August 5, 2009, *op. cit.*

⁶⁵ Palestinian Centre for Human Rights, August 11, 2009.

⁶⁶ <http://www.hrw.org/en/news/2011/02/16/palestinian-authority-thugs-police-abuse-peaceful-protesters>.

⁶⁷ <http://reliefweb.int/node/395758>.