

Who Needs Security?



Palestinians residing in area "B," area "C," H-2 in Hebron, and isolated Jerusalem neighborhoods struggle to survive in an environment lacking security and rule of law and hold the Palestinian Authority responsible for their protection and demand Palestinian police presence in their areas

Final Report – Executive Summary

Khalil Shikaki



The Palestinian Center for Policy and Survey Research (PSR)

PSR is an independent nonprofit institution and think tank of policy analysis and academic research. It was founded in 2000 with the goal of advancing scholarship and knowledge on immediate issues of concern to Palestinians in three areas: domestic politics and government, strategic analysis and foreign policy, and public opinion polls and survey research. PSR conducts policy analysis and empirical surveys and public opinion research and organizes task forces, study groups, meetings and conferences. Its work focuses on current public policy issues with a special reliance on empirical evidence as a tool to advance scholarship and understanding.

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This initiative has been organized in cooperation with the Netherland Representative Office in Ramallah and in cooperation with the Konrad-Adenauer-Stiftung in Ramallah



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Dr. Shikaki is the author of PSR's 2014 report on "Changing the Status Quo: What directions for Palestinians?" <u>http://www.pcpsr.org/en/node/650</u>, and "The Likelihood, Consequences and Policy Implications of PA Collapse or Dissolution: The "Day After" Final Report:" <u>http://pcpsr.org/sites/default/files/finalreport.pdf</u>

Preface:

Since early 2016, the Palestinian Center for Policy and Survey Research has conducted empirical research on Palestinian needs for security and rule of law in the Palestinian territories outside the area known as "A." These targeted areas included the following: (1) area B, (2) area C, (3) H2 sector of Hebron, and (4) isolated Jerusalem neighborhoods located to the east of the Israeli separation wall, including Kofr Aqab, Samir Amis, Shufat refugee camp, and parts of Qalandia.

The study utilized various means and activities. Eight focus groups were conducted, each with a small group of residents from these areas ranging between 15 and 20 men and women, young and old. Four public opinion polls have been conducted during 2016. They included all areas under study, with two among a representative sample of the entire West Bank, to allow comparisons between A and non-A areas, while the other two focused on non-A areas. Six case studies covered a range of issues, including forced migration from area C, the status of security in the Jerusalem neighborhoods in area B, drug trafficking in non-A areas, aggression against women in area C, settlers' violence, particularly in H2 area, and absence of security in isolated Jerusalem neighborhoods beyond the separation wall. The case studies relied on official statistical data, polling results, focus group findings, and field interviews. Finally, the study relied on interviews with Palestinian officials in relevant ministries and agencies, such as the Ministry of Interior, the Ministry of Justice, the Supreme Judicial Council, the Police, the Palestinian Military Liaison, and others. Interviews were also conducted with relevant international and Israeli figures involved in the management of Palestinian-Israeli security coordination and rule of law.

This initiative has been conducted in close cooperation with the Palestinian Ministry of Interior and in consultation with various security sector and rule of law agencies. The study has also been conducted in cooperation with the Konrad-Adenauer-Stiftung in Ramallah and the Quartet Office and with funding from the Netherlands Representative Office in Ramallah. PSR wishes to express gratitude to all those partners and donors who contributed to its work. It should be clear however that support for this project does not necessarily mean an endorsement of the content of this final report or any of the other papers and products.

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B and C areas of the West Bank, as well as the H2 area of Hebron (which includes the old city and few other neighborhoods still remaining under Israeli control) and several isolated East Jerusalem neighborhoods suffer from lack of security and law enforcement. PSR survey research findings, focus groups, and case studies conducted by PSR in these areas show considerably lower levels of safety and security perception among Palestinians residing in such areas compared to those residing in area A of the West Bank. Findings also show a much greater lack of confidence in the Palestinian system of justice. Residents in non-A areas complain of high levels of crime, drug and arms trafficking, and use of their neighborhoods as safe havens by criminals, armed gangs, and others. On top of that, they see an absence of rule of law. Lack of law enforcement in these areas deter PA and private sector investment. Moreover, lack of personal and family safety forces people to move out to more secure areas. Many report that their neighbors have moved out to safer areas. More seriously, settlers' violence in these areas adds further strain on the already tense Palestinian-Israeli relations and reduces Palestinian public confidence in their own government and security services. Indeed, the combination of domestic and Israeli-based threats in these non-A areas contributes significantly to damaging the long term viability of Palestinian-Israeli security coordination by increasing public demand for ending it.

There are various reasons for this situation. The PA cannot, under the terms of the Oslo agreement, deploy its police force in most of these areas. Even when it can, it often needs coordination with the Israelis in order to access roads in area C which provides the only means of reaching most of these areas. Lack of PA security and legal jurisdiction over East Jerusalemites, carrying Israeli IDs, greatly compounds the problems of law enforcement in many towns and neighborhoods, particularly those adjacent to East Jerusalem or its periphery. The Israelis, who are officially responsible for enforcing law and order in area C and the isolated Jerusalem neighborhoods, focus solely on fighting armed resistance and political violence but do little or no policing or law enforcement.

Moreover, despite the fact that it has jurisdiction over judicial matters related to Palestinians, PA's ability to enforce rule of law is significantly harmed by its weak enforcement capacity. For example, police capabilities remain deficient. Although police to people ratio is satisfactory, the challenges and constraints under which the police operates require greater capabilities than it currently has. The Palestinian security sector devotes greater resources, such as manpower, vehicles, and arms, to other forces, including the National Security Forces, along with the presidential guard and the military intelligence, Intelligence, and Preventive Security. Although the police can draw on these other resources in emergency or when needed, its ability to make long term planning, create redundancy to address uncertainties, and deploy forces to vulnerable and isolated areas in a routine fashion remains greatly constrained. As a result, PA police presence in area B, where the PA has a law enforcement jurisdiction, is hardly noticeable as only a small number of permanent police stations are currently operating in most towns and villages located in such areas. Moreover, despite having judicial jurisdiction, no permanent Palestinian police presence is allowed in area C or H2 (in Hebron) at all. Jerusalem neighborhoods that have been isolated in recent years by the separation wall, such as Kafr Agab, Samir Amis, parts of Qalandia, and Shufat refugee Camp, have essentially been abandoned by the Israeli police and have become a no-man's land; residents of those areas complain of greater insecurity than in any other Palestinian areas.

The inability of the PA to deliver basic security and law enforcement services to these areas has harmed PA standing among the Palestinian public. The public is losing trust in PA, its security services, and system of justice. Most question the usefulness of Israeli-Palestinian security coordination, seeing it as serving Israeli interests only. The resulting environment is one of instability and high tension between Palestinians and Israelis.

One additional outcome of this situation has been the inability of the Palestinian police to consistently implement court orders, or implement a functioning notification system. The Palestinian functional jurisdiction over judicial matters in area C is impeded by lack of full access to the area by the Palestinian police. Summons and subpoenas issued by the Palestinian courts cannot be delivered in an efficient manner which greatly slow down their ability to issue judgement. This in turn has reduced the incentives of the public in those area to seek judicial assistance. The justice system's ability to enforce the law or to enforce contracts is thereby negatively affected. The combination of insecurity and lack of effective law enforcement impedes business investment and forces the private sector to invest elsewhere. High unemployment rate forces residents to seek work outside their areas. If law enforcement agencies are not able to operate effectively in those areas, the justice system will continue to be handicapped and the public will continue to have little confidence in it.

PSR's survey data, focus groups, and interviews indicate a great demand for the deployment of the Palestine police in all areas deemed vulnerable including the isolated Jerusalem neighborhoods. In order to promote greater safety, security, and law enforcement for Palestinians residing in non-A areas of the occupied Palestinian territories the Palestinian security sector has several options. There are three types of options: those that require Israeli consent; those that requires restructuring or reallocation of resources within the sector, and those that requires building coalitions with local actors, such as local councils, political factions, and other public and civilian bodies.

Three needs cannot be met without Israeli input: permanent police presence in areas currently outside Palestinian law enforcement jurisdiction, in-advance routine long-standing coordination regarding multiple trip access to roads, and legal jurisdiction over East Jerusalemites who reside in areas under Palestinian judicial jurisdiction. For example, any Palestinian police presence, visible or invisible, in populated C areas or in the isolated Jerusalem neighborhoods requires an explicit or implicit Israeli approval. Similarly, Israeli approval is required for any long term routine access to roads in area C that link isolated B areas without renewed coordination for each and every trip. The same applies to any PA decision to enforcing the law over East Jerusalemites with Israeli IDs.

Internally, the PA can address the current imbalance in the ratio of soldier/policeman to officer which currently overwhelmingly favoring officers and the imbalance in force deployment between the various governorates which currently favors Ramallah. It can also establish more mobile units and devote greater resources to them so that they can be easily deployed in and close to vulnerable communities. Routine daily patrols to isolated B areas can also be instituted. More importantly, the security sector can devote greater resources to police functions. For example, a large part of the National Security Forces can be attached to the police on permanent basis to serve the role of a "national guard," or a national gendarmerie, one that can be tasked with routine daily deployments and missions. The same can be applied to various departments in the Preventive Security that preform functions similar to those of the police.

Moreover, the security sector, working closely with local government and governorates, can build wider civil society coalitions that help provide security in those areas where police presence, in the form of stations, daily patrols, or mobile units, is not an option. This might be relevant to the isolated Jerusalem neighborhoods and to C areas that are close to settlements or major highways. In coordination with the police and the local government, local councils and/or the governors can appoint security guards and link them directly to a police command center. These guards can be retired or former members of one of the security sector services or members of local civil society groups operating in the areas.

Finally, it is highly recommended that the PA and the security sector conduct an extensive survey of *all* non-A areas in order to (1) assess the nature and types of threats in each area; (2) develop a checklist of priorities pertaining to threats to be addressed and areas to be covered; (3) develop a similar checklist of priorities pertaining to threats related to the justice system; (4) develop various responses to the documented threats, including, but not restricted to, permanent police deployment; and (5) assess costs and explore means of financial and other resource reallocation in the security sector.



Who Needs Security?

Drug Trafficking in B and C Areas

Executive Summary



Jehad Harb Alaa Lahluh

In recent years, Palestinian B and C areas have witnessed a significant rise in drug use, trafficking, and cultivation of narcotics. These areas, mostly C but also B, have become a safe haven for the drug business. Criminal elements in the West Bank, working with drug dealers in Israel, build green houses and laps in these Palestinian areas and organize large operations with significant financial investment. It is possible that organized crime is becoming a serious problem for the PA to contend with. At the public level, there is a wide spread perception that drug use and trafficking, including to children in schools in area C, are becoming a grave public threat.

The absence of Palestinian police and Israeli police indifference to the problem is the main reasons for the rise in the intensity of the problem. PA police has no jurisdiction over Israelis, Arabs or Jews, or residents of the West Bank who carry the East Jerusalem Israeli IDs. This lack of jurisdiction facilitates crime by creating a security and legal vacuum currently being exploited by drug traffickers.

The PA can resort to various means to strengthen its capacity to fight drug trafficking and provide the public in area C with a safer environment:

1) It can seek a formal presence in area C in the form of police stations or regular patrols. The extension of PA law enforcement jurisdiction requires an Israeli approval. But it is the option most preferred by the Palestinian public.

2) The PA should strengthen the capacity of the police force to arrest and indict drug traffickers. It can do that by devoting greater resources to police operations in rural areas.

3) If formal police presence is not feasible, the PA, working jointly with local government and civil society, should create an unarmed national guard in uniform. Such a force can work with the local council, using the local council's building, but report directly to the nearest police station. The PA would be required to provide financial and logistical support.

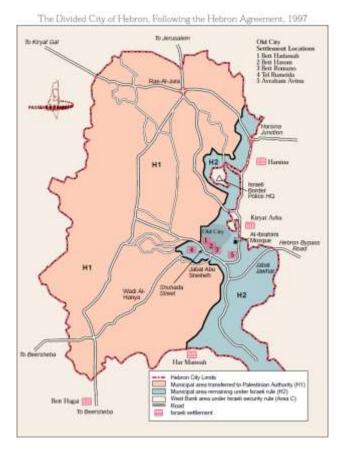
4) The PA should seek to extend its legal jurisdiction to cover East Jerusalemites residing in areas under Palestinian judicial jurisdiction.



Who Needs Security?

Settler Attacks on Palestinians: The Example of Hebron's H2

Executive Summary





After the 1967 war, in violation of international law, the Israeli government policy sought to colonize the West Bank and the Gaza Strip. A study by B'Tselem indicated that by the end of 2013 the number of official Israeli settlements has reached 125 and the number of unofficial "outposts" has reached 100. Twelve settlements have also been built in areas of the West Bank that have been annexed to Israel, along with Jerusalem, back in 1967. By 2015, the number of settlers has reached more than 588,000, including Jerusalem. Settlers began to colonize Hebron in 1968 with an outpost that later developed to became the settlement of Kiryat Arba. The settlers however focused their efforts on taking over existing Palestinian buildings and homes in the old city of Hebron leading to the formation of several concentrations of small settlements and outposts in that area that came later to be known as the H2.

In recent years, settlers' violence against Palestinians and their properties has increased throughout the West Bank. The incident in Duma, near Nablus, in August 2015 in which three members of the Dawabshah family were burned to death in their own home in the middle of the night by settlers, came to heighten Palestinian threat perception. Palestinians strongly believe that the Israeli army shows leniency toward settlers and their violence while resorting to fire arms and arrests when Palestinians seek to defend themselves against such attacks. Settlers' violence takes many shapes: residents complain of verbal abuse, physical attacks, shootings, car ramming, attacks on private property like homes and fields, cutting and burning of fruit trees, and attacks on public property such as places of worship and schools. In the H2 area, residents also complain of the absence of rule of law as well as other violations of order including illegal construction, use of firearms, and drug trafficking.

In order to enforce the law and protect citizens against settlers' violence the PA can opt to open a police station in H2 or alternatively insure the presence of police patrols in the areas where most needed. Both options require Israeli approval as they would entail the extension of PA functional jurisdiction to fully include law enforcement. This is the preferred choice of the majority of the residents of that area. Given current conditions and tensions, a variation of the second option might be more viable; one in which the status of "inspectors" who are currently deployed in H2, is significantly upgraded. Inspectors should build a wide coalition with civil society groups, particularly those involved in monitoring and document settlers' violence and the status of human rights in the area. Inspectors should be allowed to engage the current international presence in the city, TIPH, and rely on it as a partner, particularly in those areas in which the inspectors themselves are unable to operate openly.



Who Needs Security?

Violence against Women in Area C and their Need for Assistance and Protection

Executive Summary



Jehad Harb

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Women residing in area C confront a special problem pertaining to the difficulties they confront in their effort to reach the police or seek legal protection against domestic violence. The absence of the Palestinian police in this area and the difficulties the police confront in trying to reach such areas make women more vulnerable to unchecked abuse. In fact, men accused of abusing women in other Palestinian territories find safe haven in area C.

The inability of the Palestinian police to reach this area condemns many women, who cannot reach other PA areas, to a life of insecurity. It denies them the ability to submit complaints and seek justice. Women are often denied their right to inheritance. They often find themselves subjected to psychological and physical abuse and violence by the people closest to them, their own family members.

The PA has various options at it seeks to address the problem. The best option, the one most preferred by women in area C, is to establish a police presence, a police station or a patrol, capable of enforcing the law and insuring access to the justice system. This requires an Israeli-Palestinian understanding on the need to expand Palestinian law enforcement jurisdiction to area C.

Alternatively, the PA can seek to establish a wide coalition with local government institutions in such areas with the aim of establishing National Guard units to be located in the local council buildings. These units would follow a chain of command that links them to PA police. This option requires PA initiative, making the matter a priority for the security sector and insuring funding from the government.

A third option is to invest more in police mobile units. These units can be deployed on regular basis, to all locations in area C. The units can work closely with the local council and civil society and human rights groups to insure better communication with the local community.

Finally, the Palestinian police can invest more resources in promoting community policing in order to insure sustained and permanent prevention abuse of women. In this context, local residents, preferably women, would serve as deputies and friends of the police, report cases of abuse and violence, and provide information and advice to women seeking justice through the official legal system rather than through the Reconciliation Committees.



Who Needs Security?

Insecurity in the Isolated Jerusalem Neighborhoods:

The Example of Kofr Aqab

Executive Summary



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We have selected Kofr Aqab as an example of the state of lawlessness and insecurity prevailing in all isolated Jerusalem neighborhoods, those that have remained to the east of the separation wall built by Israel to separate East Jerusalem from the West Bank. Various aspects of this lawlessness can be seen in Kofr Aqab: breaches of building code, violation of public and private property, spread of arms and its use in quarrels between groups and families, drug use and trafficking, disregard to traffic law in a place central to movement between major populated areas, Ramallah and Jerusalem as well as north, center and south of the West Bank.

The problem started when the Israeli police, in the aftermath of the building of the separation wall, decided not to operate in Kofr Aqab. Israel, as the occupying power, is responsible under international law for enforcing the law in this town. The Oslo agreement has prevented the Palestinian security forces from operating in the Jerusalem area because it has been defined as one of the issues of the permanent status negotiations. Therefore, the PA has no legal or law enforcement jurisdiction in those areas considered by Israel to be part of Jerusalem despite the fact that Palestinian residents of East Jerusalem vote in the Palestinian parliament.

Israel seems interested in taking Kofr Aqab out of the Jerusalem municipal boundaries as the means to reduce the concentration of Palestinians in Jerusalem thus changing the demographic balance inside the city. It might decide at one point in the future to deny them the ID they currently enjoy which allows them free movement and access to the labor market in Israel.

In its efforts to reduce the suffering in Kofr Aqab, the PA has three possible options:

(1) The PA can seek to open a police station in the part of Kofr Aqab located in area C. Patrols by Palestinian police can also provide the public with a sense of security and deter violations of the law. This requires an Israeli consent for greater Palestinian law enforcement jurisdiction in area C. This is the most preferred choice of the residents of the isolated neighborhoods.

(2) The PA police, working jointly with local government and the governorate of Jerusalem as well as civil society, can form an unarmed local National Guard unit, in uniform, to be located in Kofr Aqab's local council building. This unit would work closely with the head of the local council and civil society groups while reporting directly to the PA police. The PA, through the local government ministry, would provide the necessary financial and logistical support.

(3) The PA, preferably with Israeli consent, should extend its own legal jurisdiction over all Palestinian residents in the areas of its judicial jurisdiction, including those East Jerusalem residents in Kofr Aqab with Israeli IDs.



Who Needs Security?

Before and After the Deployment of the Palestinian Police:

Law Enforcement in Jerusalem's Suburbs

Executive Summary



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The Jerusalem suburbs of Al Ram, Biddu, and Abu Dis/al Izariyyah, and their neighboring towns, are located in the area classified as B. As in other B and C areas of the West Bank, residents suffer from insecurity, crime, drug and arms trafficking, stolen cars, and shooting. Attacks on private and public property go unpunished. Criminals use such areas as a safe haven to avoid arrest by the police. The police finds it difficult to enforce the law in such areas in a routine sustained manner. Instead, the police relies on occasional law enforcement campaigns from time to time. But these are much less effective than a permanent police presence.

Yet, as it turned out, even when such permanent presence is ensured, as the case has been in these Jerusalem suburbs back in April 2015 with the opening of three police stations, one in each of the three suburbs, other problems arise. The number of policemen deployed to the entire Jerusalem suburbia is 67. As importantly, the movement of the police deployed in these locations to other towns and populated areas just outside the immediate borders of the built-up area requires coordination with the Israeli side. Finally, many of the residents of these areas are holders of Israeli ID cards, like those residing inside East Jerusalem. The Palestinian police lacks legal jurisdiction over these Jerusalemites despite the fact that they live in the area of the PA judicial jurisdiction. Such restrictions reduce the effectiveness of the current police deployment.

In order to enforce rule of law and improve the performance of the police stations in the areas under study various options should be considered:

(1) The number of policemen should be increased to meet the demand taking into account the population size in these locations. If the number of policemen is to be increased to reflect international standards of population-police ratio, the number of policemen in al Ram would increase to 422, Biddu to 133, and Abu Dis/al Izariyyah to 155. This would also require greater access to equipment, arms, and vehicles.

(2) The Palestinian police cannot operate effectively without full jurisdiction over all Palestinians residing in the PA's judicial jurisdiction. The PA should revise the agreement with the Israeli side to allow for full Palestinian legal control over East Jerusalemites.

(3) Finally, the PA coordination and liaison office should seek to obtain easy and long term coordination for multiple trips of police movement on roads connecting towns and villages in the entire Jerusalem suburbia in order to insure continues and uninterrupted access.



Who Needs Security?

Migration from Area C

Executive Summary



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About 300,000 Palestinian citizens live in the area classified as "C," clustering in 532 populated areas and living under severe measures imposed by the Israeli authorities. These measures include restrictions on development and construction in addition to those imposed on movement. The military occupation authorities have also erected hundreds of checkpoints and road impediments throughout area C and have ignored the various needs of the population. The Israeli authorities have confiscated lands for military and non-military purposes and have forced Bedouins to abandon areas where they normally concentrate. Demolition of homes and other built-up structures and the destruction of agricultural lands have made life difficult to sustain for many people. These measures and similar others violate international law as well as the Interim Agreements of 1993 and 1995 between the PLO and Israel.

Many leave their place of residence in area C seeking more secure and stable areas of the West Bank. There are various economic, social, political, and security reasons for this exodus. The study's focus is on those related to lack of security and the absence of any law enforcement in area C. Most search for better protection from threats imposed by the occupying army and the settlers, as the case in the H2 area of Hebron. Others seek safety and security against internal threats and criminals and the inability of the Palestinian security services to enforce the law in these areas.

The PA and its public institutions can take several steps to reduce the magnitude of the problem of migration from area C and H2. Providing tangible and intangible support to those affected by the harshest Israeli measures and those living under fear should aim at encouraging them to remain in their land. The PA can provide various types of support such as basic infrastructure and roads as well as zoning plans and maps. On top of that, the PA should seek to find ways that can help reduce the insecurity and allow for greater law enforcement. Opening police stations in some of the critical areas is one option. But a mere police presence or patrols in uniform can provide the public greater confidence and strengthen the will to stay. Working jointly with local government and the governorates, as well as civil society, the Police can find ways to recruit civilian guards who can patrol the area, receive complaints, and report directly to the police.



Who Needs Security?

Current Structure of the PA Security Sector and its Ability to provide Security to Areas B and C:

Reallocation of Resources

Executive Summary



Jehad Harb

Palestinian citizens in areas classified as B, C, H2 of Hebron, and the isolated Jerusalem neighborhoods demand the deployment of the Palestinian police or the continued presence of police patrols in their areas as the best means of addressing the challenges posed by the perceived lack of security and the absence of law enforcement. This demand poses a serious challenge to the Palestinian Authority (PA). The existing restrictions imposed by the Oslo Agreement on the movement of the PA security forces between the various Palestinian territories resulted in a division of jurisdictional responsibilities that requires daily coordination with the Israeli authorities in order to allow police access to road in area C leading to Palestinian population centers in the various B and C areas. This critical restriction to the movement of the Palestinian police is complicated by the imbalance in the structure of the security sector that affects the distribution of manpower, rank, and logistical and material resources, as well as the geographic and functional distribution of the members of the Palestinian Police.

The PA's lack of access to economic resources and financial revenues limits the ability of the Police to hire new recruits and to provide the needed capacity to enforce security and justice in the B and C areas of the West Bank. This state of affairs limits the ability of the PA and the police to provide the required security and safety demanded by the public in those areas against threats posed by local criminals and armed settlers.

These challenges point to the need of the security sector to fundamentally reexamine and reassess distribution of its capabilities to fit more closely the security needs of the Palestinian public including those residing in the marginalized B and C areas. The goal of the reassessment is to insure wider benefit and optimal utilization of the available personnel as well as non-personnel and logistical resources in order to deliver decent security and law enforcement and to confront more effectively threats throughout the Palestinian territories.

This paper proposes a number of recommendations that can be collectively labeled as a reallocation of the current resources for better delivery of security in B and C areas:

- One of these recommendations addresses the need to affect the overall structure of the security sector with the goal of strengthening the place and role of the civil sector, the Police Department and Civil Defense, and to reduce the resources devoted to the military sector, represented by the National Security Forces (NSF) and the Presidential Guard (PG), via reducing size of the latter to fit the nature of its actual mission and function within the PA.
- Second, the PA security sector needs to address the enduring problem of the irrational ratio between the various ranks in order to create a more normal balance between the commanding officers and the soldiers or lower ranks. This will require a reassessment of the current mechanism for promotion in order to correct the effects of the previous hiring. It also requires taking into account the current annual production of officers through missions and scholarships in military and police colleges occasionally offered by Arab and foreign donor countries.
- Third, the Police in the West Bank needs a more optimal geographic distribution of personnel in a manner more proportionate to the needs of the various governorates, thus reducing the current crowdedness in the General Headquarter of the Police in Ramallah which receives the largest number of officers and commissioned officers.

- Fourth, a need exists to strengthen those police departments and units with technical knowhow and capacities that are directly relevant to the task of maintaining societal peace, prevent crime and enforce the law. This may require the transfer of some units and personnel from the Preventive Security, particularly those in the drug enforcement and crime investigation, to the Police Department.
- Fifth, rural police stations need to be strengthened with added manpower, arms, vehicles and equipment that can allow for better mobility and service delivery to the public.

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