

Small Arms, Light Weapons and Insecurity in Palestine

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1. Introduction

In September 2000, Ariel Sharon's expedition to the Noble Sanctuary of East Jerusalem and the failure of the so called peace process, which led to increase in land confiscation, settlements and restrictions of movement on Palestinians, were the roots for the emergence of a new Intifada. Israel responded to a spontaneous outburst of protest to Sharon's provocative visit with excessive use of weapons on Palestinian protesters and targets. The initial brutal repression of the Palestinian demonstrations by the Israeli army was the main factor in the militarization of the Palestinian uprising.

As a direct consequence, Palestinian society has been confronted by an unprecedented proliferation of small arms and light weapons.

Prior to the al-Aqsa Intifada, these weapons were only possessed by militant groups, the different Palestinian Security Services and some Israeli agents. The militarization of the second Intifada has permitted easier access and greater demand to the weapons market.

Despite of the insecurity caused by the occupation forces in the Gaza Strip and in the West Bank, the goal of this study is not to analyze this phenomenon but rather to focus on the presence of weapons in Palestine and their impact on Palestinian society.

Indeed, last year (2005) has shown a sad fact reflecting this insecurity in Palestine: the number of Palestinians killed by Palestinians was significantly higher than during the three previous years. Moreover this insecurity was enhanced by the lack of respect for the rule of law reflected for example by assaults against PA governmental offices.

These two phenomena were facilitated by the widespread demand, proliferation, use and misuse of weapons in Palestine.

Even if other issues could be solved in order to improve the living conditions of the Palestinian people, the specific case of excessive supply and misuse of weapons is an urgent one for many reasons.

First, the insecurity linked with the presence of small arms and light weapons, as reflected by the recent events in the Gaza Strip, is used as a justification by Israel to convey to the world that the Palestinian people are not ready to have self determination. If the ongoing security chaos persists, not only will the creation of the Palestinian State be prevented but the international community will may approve it (because of the potential threat to the regional stability).

Secondly, even if the possession of weapons by particular groups and the culture of weapons in general is not a direct threat to the rule of law, they tend to enhance the culture of violence which menaces Palestinian society, particularly "when a State cannot guarantee security to its citizens or control the illicit activities in which these weapons are utilized"¹, as it is the case in Palestine.

Thirdly, this issue is directly linked with other important issues and can be solved together, like the reform of the judiciary system and the enforcement of the rule of law.

2. An overview of the small arms and light weapons in Palestine

1. Definition of the terms

As a starting point of the study, the definition of small arms and light weapons has to be defined precisely. Although there is no universally accepted definition of these terms, the report of the United Nations Panel of Government Experts on Small Arms in 1997² gives the most widely accepted definition:

“24- Small arms and light weapons range from clubs, knives and machetes to those weapons just below those covered by the United Nation Register of Conventional Arms, for example, mortars below the caliber of 100mm. The small arms and light weapons which are of main concern for the purpose of the present report are those which are manufactured to military specifications for use as lethal instruments of war.

25- Small arms and light weapons are used by all armed forces, including internal security forces, for, inter alia, self-protection or self-defense, close or short-range combat, direct or indirect fire, and against tank or aircraft at relatively short distances. Broadly speaking, small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew³”

In summary, the weapons studied in this report are the following:

- Small arms: Revolvers and self-loading guns, Rifles and carbines, Sub-machine-guns, Assault rifles, Light machines-guns.
- Light weapons: Heavy machine-guns, Hand-held under-barrel and mounted grenade launchers, Portable anti-aircraft guns, Portable anti-tank guns, Portable launchers of anti-tank missiles and rocket systems, Portable launchers of anti-aircraft missile systems, Mortars of caliber less than 100mm
- Ammunition and explosives: Cartridges for small arms, Shells and missiles for light weapons, Mobiles containers with missiles or shells for single-action anti-aircraft and anti-tank systems, Anti-personnel and anti-tank hand grenades, Landmines, Explosives.

Unquestionably nearly all of the kind of weapons quoted in this report can be found in Palestine, whatever it is small arms like revolvers, AK-47 and M-16 machine-guns or light weapons like Qassam and Katyusha rockets.

2. Ownership

1. The Palestinian Security Services

As a part of the Oslo agreements, the newly created Palestinian Authority (PA) was provided various security forces in order to maintain public order and to assure internal security.

With the Oslo II Interim Agreement, both parties agreed to the number of 30,000 policemen.

These forces were equipped, according to these agreements, with 15,000 automatic rifles and pistols, 240 heavy machine guns, 45 armored vehicles and lightly armed shore patrol vessels⁴.

Nevertheless, the application of the agreements differed from what was planned concerning both the personnel and the number of weapons.

The International Monetary Fund (IMF) reported in 2003 that the number of Palestinian security personnel employed by the Palestinian Authority was 56,128⁵.

However this number is likely to be higher now since a lot of members of Al Aqsa Martyr's Brigades were employed by the Palestinian Police just before the legislative election in last January 2006.

Concerning the number of weapons, the Palestinian Authority has often been accused of violating the Oslo agreements by possessing more weapons than agreed. For example an Israeli Lieutenant Colonel, Gal Luft,

announced that “Palestinians were able to triple the number of light weapons originally entrusted to the by the Oslo agreements”⁶. Furthermore, he added that “it has been reported that some of the Palestinian security apparatuses obtained weapons prohibited by the Oslo agreements such as light anti-armor weapons, rocker propelled grenades, anti-tank missiles, light mortars, land mines and hand grenades”⁷.

2. The families and the clans

Another important issue concerning small arms and light weapons is their possession by Palestinian clans and families, based on extensive traditional ownership of weapons and a reliance on security systems based on tribe and family.

Unfortunately, there has been no serious investigation about this issue. We only have access to two sources of information.

First, at the beginning of the second Intifada, the Israeli Government has evaluated the number of weapons they consider as “illegal” to 70,000 pieces⁸. They comprised, at this time, the weapons that the Palestinian Authority should not possess, those of the different resistant movements and the ones of the families and clans.

Secondly, depending on the geographical area, these weapons are sometimes dramatically widespread. For example, Balata refugee camp near Nablus is known for the high proliferation of weapons within the big clans and families⁹.

For this category of owners, we have to focus on the small arms since the light weapons are likely to be only possessed by the armed groups and by the Palestinian Security Services. This is confirmed by reports of Palestinian NGO like the Palestinian Human Right Center concerning family and clan disputes.

3. The armed groups



Hamas military wing members

The question of the possession of small arms and light weapons by the armed group is maybe the most controversial one of this report. Indeed, while the Road Map requests for the dismantlement of these groups and the collection of their weapons, their leaders claim that it cannot be done until the end of the occupation and add that the International Public Law permit the use of weapons against military targets (see the Geneva Convention for more informations¹⁰).

However the aim of this report is not to judge the use of weapons against the Occupation but rather to evaluate their number and their consequences on Palestinian society.

All the Palestinians militias which are fighting in order to achieve national liberation as their goal are considered as armed groups, whatever their targets may be (military or civilian). Not comprised in this category are criminal organizations which were not created for the sole purpose of achieving national liberation.

Thus, the category of 'armed groups' is comprised of the various militias belonging to Democratic Front for the Liberation of Palestine (DFLP), Fatah, Hamas, Islamic Jihad, Popular Front for the Liberation of Palestine (PFLP) and to the Popular Resistance Committees (only few informations are known about new groups like Jeesh al Islam, but they are considered as 'armed groups' also).

Evaluations reveal that Fatah and Hamas seem to have approximately 3,000 combatants each, Islamic Jihad several hundreds and less than one hundred for each of the others¹¹.

Concerning the type of weapons used by these groups, a brief analysis of those used during attacks claimed by them and those exposed during some public demonstrations reveal that both light arms and small weapons are in their hands. Thus, they are in possession of plenty of AK-47s and M-16s, hundreds of Rocket Propelled Grenades (RPGS) launchers and of Qassam like rockets and even some Katyushas (which were used once, on the 16th May 2006, by Islamic Jihad).

As quoted above, the Israeli government has reported that 70,000 arms have been illegally introduced into Palestine since the Oslo agreements. Nevertheless, the weapons brought after the disengagement of Gaza last year have also to be taken in consideration.

In their evaluation, in August 2006, Shin Bet Head Yuval Diskin told the Knesset Foreign Affairs and Defense Committee that 15 tons of TNT, four million bullets, 15,000 guns, 2,300 pistols, 65 RPG launchers, dozen of anti-tanks missiles, 400 RPGs and between 10 and 15 Katyushas were brought into the Gaza Strip since the withdrawal of the Israeli army and settlers¹².

3. Weapons acquisition

1. Legal methods

The first way to acquire weapons in Palestine is a legal one. Indeed the Palestinian law regulates the acquisition of firearms and ammunitions in the Law no. 2 of the year 1998.

The ability to be allowed to buy weapons is limited under certain conditions quoted in the article 5 of the Law. Thus, the following condition are prohibitive:

- a. Those who have not attained 21 Gregorian years.
- b. Indicted by penalty or jailed at least for one year for aggression, assault or raping crimes more than once, even if for less than one year in any of the said crimes.
- c. Convicted by a freedom restricting penalty for fireworks, drugs trade, robbery or attempt or hiding stolen items.
- d. Indicted in any crime in which a weapon was used where the felon, in action, had a weapon and the condition was so restricted for carrying a weapon.
- e. Suspects and those under police watch.
- f. Who are not physically fit to carry a weapon; fitness conditions shall be designated by the minister.
- g. Those who do not have enough precautions when handling a weapon; the minister shall state safety precautions.

By law, once such conditions are studied, it becomes legally possible to purchase weapons from licensed merchants. Thus, many people coming from the Palestinian police were able to buy a personal firearm based on this law.

When elaborating this law, the Palestinian Authority has also put conditions on the trade of weapons in the chapter 3. As a result, permits are necessary for sellers and producers of firearms (art. 17, 18).

2. Black market

1. Palestinian Officials

Official PA members have been blamed for using their VIP status in order to introduce weapons in Palestine. For example, Abed al Razak Yechia, a VIP permit holder, has been accused of smuggling weapons through Allenby Bridge. Quoted by The Philadelphia Inquirer, the Palestinian politician Hussam Khader reported that “before the uprising, the VIPs had a real opportunity to trade in guns. They would buy them for \$200 from Iraq, bring them across the Allenby bridge [from Jordan], and sell them for a very nice profit in Nablus”¹³.

Some reports allege also the role of the Palestinian security forces in the trade of illegal weapons. For example, in some cities like Nablus, they are said to be the first source of acquisition of weapons¹⁴.

2. Israeli traders

Furthermore, an important flow of weapons comes directly from Israeli citizens, whether they are soldiers or traders.

After the first Intifada, Israel was probably conscious of this phenomenon and was even accused of encouraging it in order to “provoke a battle between Palestinian Islamists and PLO groups”¹⁵.

However the situation changed when the specter of a Palestinian civil war disappeared. Even if Israeli citizens were still selling weapons, Israel did not support such activities since they were used against them. Malbrunot¹⁶, quoting a Counter Terrorism European specialist, reports that the Israeli Government has stopped this policy since 1996’s Palestinian riots.

Some Israeli soldiers as well as Israeli citizens have already been arrested for selling weapons to Palestinian militants¹⁷. According to Boutwell, “Israeli underworld figures coordinate shipments of black market M-16s and Uzis into the West Bank and Gaza, while Israeli soldiers have been caught stealing weapons from army depots and selling them to Palestinians”¹⁸.

This prosperous traffic is often associated with other forms of trade such as drugs or stolen cars. It permits some Palestinians and the Israeli mafia to make huge profits.

3. From Egypt, Lebanon and Jordan



Smuggling tunnels between the Gaza Strip and Egypt

Finally, large numbers of weapons are coming directly from Egypt, Lebanon and Jordan through smuggling via land, sea, and air routes.

One particular group, the PFLP-GC, has a great importance in bringing weapons in Gaza and in the West Bank. At least three boats managed to arrive in Gaza during the Intifada with weapons destined to all the militant groups¹⁹. Hezbollah's leader, Hassan Nasrallah, has also admitted that his group used to channel weapons to Palestinian militants until 2001²⁰.

Furthermore, tunnels between the Gaza Strip and Egypt have permitted a huge importation of various weapons (cf. Yuval Diskin report, quoted previously). Small arms and light weapons coming through tunnels are destined to all the armed groups. These tunnels can be possessed by private owners or directly by particular factions. The price of the smuggling is around 10,000 US \$ according to an interview of a tunnel builder²¹.

4. Home made weapons

Despite of the various existing ways of acquiring weapons, smuggling activities have been difficult since the beginning of the second Intifada principally because of the Israeli army's control of strategic points in the West Bank and in the Gaza Strip and the struggle against the black market, mainly through the destruction of tunnels between Rafah and Egypt.

Thus, some Palestinian armed groups have managed to produce their own home made arms and weapons.

Qassam rockets are probably the most well known of the Palestinian home made explosives. The first were fired at the end 2001. Included under this generic term are the rockets fired by the Hamas military wing, the Popular Resistance Committees (al Nasser rockets), al Aqsa Martyrs Brigades (Kafah rockets) and Islamic Jihad (al Quds rockets). Even if their military effects are limited, they still represent an improvement in the military capacity of the Resistance.

On addition to these rockets, home made anti-tanks missiles and RPGs²².have also been produced, as reported by Khaled Shawish from the al Aqsa Martyrs Brigades²³ (and by the Israeli government which has²⁴ accused the Preventive Security force of producing weapons in the Gaza Strip²⁵).



Hamam military members with home-made Qassam rockets

3. The insecurity linked with small arms and light weapons

1. The Palestinian Security Services

Contrary to its aim of maintaining public order and assuring internal security, the Palestinian Security Services are also a source of insecurity. A survey, reported by The Times and an editorial²⁶ of the New York Times, reported some of the weaknesses of the PA: “the Palestinian Authority's security forces are divided, weak, overstaffed, badly motivated and under armed. [...] There is no central command structure within the Palestinian security apparatus. Nor is there a formal structure to take account of, among other things, the powerful role rival clans play in various security forces, the chaotic behaviour of many Palestinian fighters or the local powers in refugee camps.” Others sources, such as a workshop organized by the Palestinian Academic Society for the Study of International Affairs²⁷ (PASSIA) and reports on reforms²⁸ are reporting exactly the same failures. The recent nomination of a Hamas lead government and the conflicts it implies in term of competence between the Presidency and the Ministry of the Interior will probably not help to solve the issue of insecurity.

Consequently, according to a community based research conducted by Al Mezan Center for Human Rights in Gaza in 2005, “the failure of the Palestinian Authority, and in particular, the failure to institutionalize the Authority’s security apparatus internally, played a crucial role in creating the current unstable environment”²⁹. Polls show that in general the Palestinian population agrees with such statements and the direct consequences reflect the need for internal security sector reform (also an important issue during the previous legislative elections) .

Two different threats caused by the Palestinian Security Services target Palestinian civilians, a direct and an indirect one.

Palestinian civilians are indirect victims when they are killed or injured as ‘collateral damage’ of clashes between different security bodies. Between the 1st January 2003 and the 14th October 2005³⁰, Al Mezan Center for Human Rights has reported 11 of these clashes.

Palestinian civilians are also direct victims of members of security services which commit violation of Palestinian Human Rights with “methods [that] include extrajudicial punishment, abduction of residents from their homes, lengthy detention without judicial scrutiny and the use of harsh torture techniques”³¹ and when they go above their prerogatives, for example by “the collection of tax from people and the arrest of individuals and demands of payment for their release”³².

2. The families and clans

Concerning the influential Palestinian families and clans, the unprecedented proliferation of weapons in the Palestinian society and the easier access to small arms has permitted various violations of the rule of law. Four main kinds of violations can be noticed.

The first is the conflicts between families and clans involving firearms. Human Rights monitoring in the West Bank and in the Gaza Strip has revealed an increasing number of such disputes in the recent years, especially in the Gaza Strip. Al Mezan Center for Human Rights reported 98 family disputes involving small arms (same period of time as before)³³. The inefficiency of the Palestinian judiciary system and the widespread misuse of weapons have allowed some influential families and clans take justice into their own hands exacerbating the consequences. Some families or clans are so well armed that during some conflicts, the Palestinian police were not even able to interpose itself for a few days³⁴.

The second type of violation is the “honor” crimes. These crimes are usually committed inside some families often by the brother of the woman who would have “dishonored” the family. More rarely, men can also be killed because of their alleged behavior vis-à-vis some women. In some cases, the killing is perpetrated by the use of firearms. Over the same period of time mentioned above, such crimes committed with weapons were reported 9 times³⁵.

The third issue concerning weapons held by families and clans is their misuse in certain occasions, usually during weddings. In order to celebrate weddings, often people shoot in the air. Unfortunately, the consequences can be tragic, resulting in injuries or even deaths. For example, on the 6th of August 2006, three children were killed by bullets during a wedding in the city of Jenin³⁶.

Another conflict involving clans and families is considered to be one of the most dangerous ones for the Palestinian State. It is the armed conflicts between large or influential families and clans and the Palestinian police. This reflects the rejection of the full sovereignty of the Palestinian Authority and its services and the non submission to the rule of law. The previous report has counted 8 incident of this type. Usually these conflicts occur when someone belonging to an important family or clan is arrested or disarmed by the Palestinian Security Forces . Such conflicts can easily escalate to attacks against public services such as prisons or police stations. (This can take sometimes some very important proportions like armed attacks against prisons or police stations).

3. The armed groups



Islamic Jihad military wing members

As we have already said before, we are analyzing the consequences of the widespread of weapons only from the point of view of the Palestinian society. Thus, this report will not discuss the use of weapons against the Occupation by militant groups. This political issue should be solved by a national discussion and by an agreement between the political parties and the Palestinian civil society and is not the object of this report.

Unfortunately, in addition to the targeting of the Occupation, the increasing use of weapons by armed groups since the beginning of the second Intifada has also had negative impacts on Palestinian society. Several human rights centers have reported many events reflecting the insecurity caused by militants.

Mainly four kinds of action have to be stopped as a priority.

Firstly the deaths among the civilian population resulting from various activities of the armed groups such as unintended explosions during armed demonstrations, internal explosions during the preparation of explosives, Qassams like rockets hitting Palestinian areas and killing of Palestinians who are mistaken to be Israeli settlers. An even more problematic issue is the unintended killing of civilians during armed conflicts between factions which is dangerous both for the future of democracy and for the safety of the citizens.

The second big issue is the tensions between some factions and the Palestinian national institutions. With the weakening of the Palestinian Authority under the Israeli military pressure, some groups have used these tensions to threaten national institutions like municipalities, ministries and the national parliament. The reasons behind these threats are often to obtain a job, to free someone from prison or to put the pressure under some national representatives. Even Palestinian employees, mainly from the Security Services, have been kidnapped and sometimes killed (for example Moussa Arafat). Furthermore, the PHRMG has reported that 112 presumed collaborators have also been killed³⁷ during the second Intifada in what is an attempt to replace the Palestinian judiciary system through vigilante justice.

Furthermore, conflicts between some factions and the Palestinian police have unfortunately taken a dramatic increase for the last few months, caused in part by the continued conflicts between Hamas and Fatah (see next part).



Al Aqsa Martyrs Brigades and Islamic Jihad members threatening a EU office in Gaza

The third problem is, until now, only caused by two militant groups, Al Aqsa Martyrs Brigades and PFLP. It is the kidnapping of foreigners. The aim of kidnapping is usually to obtain a job, to condemn the corruption or to put the pressure on Mahmoud Abbas the President of the PA. The responsibility belongs, for the majority, to the Fatah movement even if in one case, after the kidnapping of Ahmad Sa'adat by the Israeli army, the PFLP claimed the responsibility of some of them. Although kidnappings have occurred only a few times and have so far been resolved peacefully, their persistence can prevent foreign assistance to Palestine, especially in the Gaza Strip.

Finally, in the case of the al Aqsa Martyrs Brigades, the absence of a unique and official structured military wing in Fatah movement has permitted some criminals or mafias to use this name so as to gain legitimacy for their actions. The paroxysm of this situation is in Nablus where “distinctions between nationalist militant and criminal gang activities have blurred as Fatah has splintered into armed groups”³⁸. The governor of this city, Mahmoud Aloul, explains that some peoples “commit crimes under the title of the national struggle”³⁹.

However, even if the majority of this kind of criminal action is linked to Fatah, Hamas is also affected this same trend. Quoted by the Israeli daily Haaretz (Israeli newspaper), a senior Palestinian Authority official reported that “there are activists from the Hamas military wing who were arrested for stealing cars and property from ordinary citizens”⁴⁰.

Another recent critical phenomenon is the apparition of new previously unknown groups which seem to be more radical than the traditional ones. This is the case for example of Holy Jihad Brigades responsible for the kidnapping of foreign journalists in August 2006. There has been also some allegation of the presence of al Qaida cells in the Gaza Strip by both Israeli government and the Palestinian President⁴¹, whereas the Palestinian Prime Minister Ismael Haniyeh⁴² rejects it. Furthermore some leaflets of a group claiming to be al Qaida have already been distributed in Khan Younes⁴³. Such kinds of new groups pose new threats because they are possibly out of the control of the established national resistance groups and may cross the agreed upon red lines that form part of the informal Palestinian national consensus.

4. Recent conflicts between Fatah and Hamas

After Hamas's victory in the last legislative elections, the new Palestinian government has decided to handle the problem of insecurity by creating a new security force called the Executive Force, composed by the majority by members of the military wing of Hamas and under the supervision of the Ministry of the Interior. The Palestinian president Mahmoud Abbas immediately condemned this decision, arguing that the new government was passing over its prerogative.

This step was the beginning of intense conflicts focused in the Gaza Strip (only few actions took places in the West Bank) between the new security force, supported by the military wing of Hamas, and the Preventive Security Force, whose loyalty still belongs to Muhammad Dahlan, a high ranking Fatah figure, sometimes supported by other Fatah militants.

As a direct consequence of conflict between Fatah and Hamas, dozens have been reported killed⁴⁴, both fighters and civilians. Furthermore, members of Hamas and Fatah have been kidnapped and sometimes tortured. Fatah militants have also made an unprecedented step of kidnapping democratically elected Hamas lawmakers.

This development is very critical. In addition to the civilian casualties, it could "escalate into a civil war", according to Eyad Sarraj⁴⁵ the founder and director of the Gaza Community Mental Health Program in Gaza, osethe consequences of which would be dramatic, both for efforts to create a Palestinian state and for the ongoing security chaos in Palestine.

Fortunately, the relations between these groups have improved a little since the agreement on the prisoners' document (which detail the aims of the Palestinian national movement and how to achieve it) and the Israeli military incursion in the Gaza Strip (which has enforced the national unity), even if sporadic attacks are still reported. Nevertheless the behavior of all the Palestinian resistance movements after the expected hostage crisis end vis-à-vis the prisoners' document is still unclear.

4. Impact of small arms and light weapons

1. Security

Two different community studies conducted in the Gaza Strip⁴⁶ and in Ramallah⁴⁷ reports that peoples' feelings of insecurity has lead to an increase in the demand and (mis) use of guns (in addition to the threats caused by the Occupation) in the Palestinian society. This is confirmed by a poll⁴⁸ conducted by the Palestinian Center for Policy and Survey Research which reveals the issue of internal anarchy atrising to the top of Palestinians' concerns. So even if, according to a United Nations report on Small Arms, the "accumulations [of small arms] by themselves do not cause the conflicts in which they are used"⁴⁹, they still can be perceived as a security threat by the population. Furthermore, they "can [...] exacerbate and increase their [the conflicts] lethality".

Unfortunately, the situation does not seem to change favorably and is even getting worse. With the ongoing conflicts between Palestinians and the destruction of the national institutions (whose aim should be to assure internal security and stability) by the Israeli Occupation Forces (IOF), more and more families express their increased demand of acquiring small arms so as to protect themselves. This could be the beginning of a new arms race, added to the one occurring between militant groups, whose consequences could be dramatic. Indeed, in this case, the misuse of weapons as reported in the part 2 of this report are likely to be common case in the Palestinian society.

On the field, several human rights centers have already reported a growing number of armed family disputes reflecting this insecurity.

Without taking seriously this issue in consideration, insecurity is about to be a major threat for the Palestinian society. If it persists, with both inter familial and inter faction conflicts, then the consequences will not be limited to a feeling of insecurity but, it will be combined with restrictions to the economic development and to a weakening of the state.

2. Economic development

Linked with security and weapons, economic development is mainly lowered by two factors.

The first is the level of importance of the Security Services in the Palestinian Authority budget. An analysis of this shows that more than a quarter of the budget is allocated to the Security Services (which, as we saw before, are not even able to assure internal security), compared to less than 10 percent for *both* health care and education. The monopolization of such a large part of the budget is likely to prevent the improvement of the economic sector and the welfare services of the population (even if we are conscious of the responsibility of the international community and its desire to assure, whatever it costs, the security of the occupying power). A report of the Control Arms Campaign also add that “military spending can distort the economies of developing countries, diverting scarce financial resources and trained personnel from projects that could create wealth and benefit the poor”⁵⁰.

The second factor is caused by the misuse of the weapons by armed groups or clans and families. Because of the ongoing security chaos (analyzed in the previous part), some humanitarian aid agencies have already withdrawn a part of their non essential staff because of the risks caused by small arms whereas others have put restrictions on their personnel's' movement. Another consequence, especially in the Gaza Strip, is the discouragement of foreign investments and the damage of the prospects of economic development (caused also by IOF actions).

The report of the United Nations Panel of Government Experts on Small Arms in 1997⁵¹ expresses also some concerns about the consequences of insecurity and of the widespread of weapons on the society:

“77- (c) The crime and violence arising from the availability of small arms and light weapons have made it more difficult to conduct development projects and programs that address the root causes of conflict. This has led to a decline in economic assistance and investment from donors.

(h) Another reality in some regions is that an adequate level of security is necessary to solve the problems associated with the excessive and destabilizing accumulations of small arms and light weapons

(i) Most of the States and regions experiencing problems with armed violence stemming from the excessive and destabilizing accumulation and transfer of small arms and light weapons also have problems of poverty and lack economic development. These issues are linked.”

Although this report is not expressing the global situation in Palestine, since others factors should be also analyzed and since their model (usually an African country after a civil war) differs from the Palestinian one, it still reflects some dangers, already existing or just potentials.

3. Rule of Law

Since the beginning of the second Intifada, the increasing use of weapons by both sides has also lowered the trust in the Palestinian institutions and the respect of the Rule of Law in general.

One of the principal responsibilities is with the Israeli army which has systemically “targeted the infrastructure of the police stations and places of detention”⁵² and put “stringent restrictions on movement”⁵³ on the Security Services and on the PA services in general. In addition to undermining the PA’s capabilities, it has also weakened it in the eyes of the Palestinians⁵⁴.

As a direct consequence, since the PA institutions were partially destroyed (especially those belonging to the Security Services), the PA has failed in assuming its original aim of assuring the security and maintaining internal order (even if inherent weaknesses of these services, coupled to the corruption of the PA, are also a cause of this failure).

Consequently, the Palestinian judiciary system has been unable to apply the rule of law and the lack of confidence in PA institutions has increased.

This is confirmed by polls⁵⁵ which show that the Palestinians have more trust in non-official judiciary systems like Shariah court and clan based institutions than in any other official institution. Moreover, in terms of Security Services, Al Aqsa Martyrs Brigades (armed factions belonging to Fatah) and Izz al Din Al Qassam Martyr Brigades (the military wing of Hamas) are most trusted⁵⁶ by the population than any other formal security organization belonging to the PA (except the Civil Defense). An additional explanation is that these groups “had stood against Israeli incursions into Palestinian cities”⁵⁷, in contrast to the Palestinian police.

A small arms community perceptions survey⁵⁸ conducted in Ramallah reveals a symptom of this issue. If threatened with murder or injury, only 26.7% of the participants would call the police. This explains why civilians are more likely to solve their problems by themselves, as observed during inter family disputes or during the killing of collaborators and of people accused to be corrupt (like Moussa Arafat).

Finally, by obstructing the Rule of Law, the future of democracy in Palestine is also targeted. For example the culture of dialogue and debate, inherent to a democratic culture, is denied by the increasing use of weapons in order to solve conflicts. Some Palestinian NGOs like the Palestinian Center for Human Rights condemn these “aspects of militarism [...] in Palestinian society which threaten the process of democratization and obstruct the rule of law”⁵⁹. The paroxysm of this situation is observed in cities like Nablus where some of the armed militias and tribes had taken the law into their own hands⁶⁰. The former mayor of this city, Ghassan Shaka’a, wrote in his resignation letter that in Nablus “chaos has become the normal attitude; the lack of security and order, the daily practice; and the law of jungle, a point of view”⁶¹.

As a result, “the democratization of Palestinian society will be a difficult process since the people have reached their lowest point of security”⁶² according to Hani Albasoos.

5. Solutions



Demonstration in Gaza against the misuses of weapons

1. Reform of the PA in order to improve the Rule of Law

Reform is the most often used term when talking about the PA, both by Israeli supporters who claims reforms so as to prevent the discussions about the final agreement and by the political opposition to Fatah (Leftists and Islamists).

Although reform demands have been mainly used so as to achieve political aims, they are nevertheless the major step towards the end of the ongoing insecurity. Indeed, the events described in the second part of this report could be prevented by enforcing the actual system. This can be achieved by focusing on two main issues, the judicial system and the Palestinian Security Services.

Firstly, the Judiciary has to be enforced in order to be able to apply existing laws and so as gain power vis-à-vis the Executive branch. According to a report of the United States Institute of Peace, the main issue is not an inherent lack of legislation but rather an implementation problem: “The legal and judicial systems of the Palestinian Authority are, on paper, unusual in the region in their acceptance of rule-of-law principles. But implementation of that system remains problematic, and PA reformers have not found a way to bring the letter of the law into operation”⁶³. Thus, the principal aim is to enforce and implement the new framework approved by Arafat in 2002 which creates “a strong and autonomous judicial council to oversee the courts”⁶⁴.

This would permit to apply the law on everyone who violates it, whoever he is and also to prevent the Executive powers from blocking the courts’ decisions as is currently the case: “some criticisms have also been directed at the refusal of PA officials to accept all court orders”⁶⁵. The case of Ahmad Sa’dat is a good illustration of the weakness of the Judiciary vis-à-vis the Executive Power. Sa’dat is the leader of the Popular Front for the Liberation of Palestine and was accused in 2002 of ordering the killing of the Israeli Minister of Tourism, Rehavam Zeevi. The Palestinian High Court in Gaza ordered the release of this prisoner but it has been openly refused by the Palestinian cabinet⁶⁶. That kind of reform is constantly requested by Palestinian NGOs like the PCHR which demand to “strengthen the civil Judiciary and ensure its independence the Judiciary should not be

subjected to any external intervention and the executive must respect the judgments and authority of the judiciary⁶⁷ and an improved role for the Attorney General⁶⁸.

Secondly, the Palestinian Security Services have to be reformed. There is an important need to make them operate inside a legal framework and establish a democratic accountability which “have been largely inoperative”⁶⁹ until now. The problem caused by “the number of services, their overlapping nature, and the obscurity of the command structure” has to be solved by implementing “clear regulation to demarcate between the competencies of each branch of the Security Services”⁷⁰. Furthermore, a coherent policy must be adopted in order to define the responsibility of the Security Services vis-à-vis the Presidency or the Ministry of Interior (between which conflicts have been emphasized since Hamas’s victory in the legislative elections). A final step toward the prevention of internal conflicts between Security Services is, as asked by some people representing the civil society in a workshop organized by PASSIA institute⁷¹ and by the PCHR⁷², to stop their politicization. Thus, the loyalty of their employees should be addressed to the State and not to a specific political party or leader. Non faction basis recruitment has also to be established in order to prevent the existence of partisan militia as a part of the security sector. The other aim of this new recruitment policy is also to improve the level of competence of the new employees. Hani Albasoos also exposes in his recommendation the role of Israel in allowing the Police to restore themselves and in refraining from attacking them, and of the International Community through its support of these reforms⁷³.

Since his election at the presidency, Mahmoud Abbas has already made some steps in this direction but there are critics saying that these steps are too few and ineffective.

Consequent to the improvement of the Judiciary and of the Security Services, the PA will be able to apply existing laws regulating the weapons control. Furthermore the reform of the Security Services will make them more efficient and responsible vis-à-vis the Law.

Thus, it will be possible to formalize the possession of weapons and to struggle against the black market. For example two solutions could be used together, to offer the possibility to regularize weapons, by strictly applying the Law no. (2) of 1998 for Weapons & Ammunition (as quoted previously) and to elaborate a voluntary disarmament in exchange of “attractive rewards” that “usually boost the number of weapons collected”⁷⁴ even if side effects, such as misuse of the money received, can happen. However, in order to be plainly effective, the PA has to be aware that “practical disarmament must be supported by measures designed to strictly control weapons supplies and reduce the demand for them”⁷⁵.

2. About the Resistance

The question of the weapons in the hands of the Resistance is a very sensitive one in Palestine, even more with the conditions put by the International Community to disarm the militant groups. Although the large majority of the population agrees with this demand⁷⁶ (which is quite unexpected according to their high trust in the principal resistance movements, cf. part 3), the PA will not fight them as it did in 1995-96⁷⁷ without a major advance in the peace process, firstly because the various groups are stronger at this time and also because the Hamas led government is not willing to do so (according to various declarations of its spokesman, Ghazi Hamad). However, even without dissolving these groups, solutions have to be found in order to prevent the misuse of the weapons of the resistance.

With the aim of achieving this objective, solutions are drawn in the Prisoners’ document⁷⁸ which represents a consensus in the society between the political and armed groups, the private sector and the civil society. Special attention has to be made on two principal aims, the first is to bring unity between the groups, to prevent dissension and conflict and the second is to stop the misuse of weapons.

For the first objective, the solutions are to facilitate discussions between the groups in a democratic and a representative way and also to coordinate their actions. Therefore, the consensus was made on enforcing the role

of the Palestinian Liberation Organization (PLO) by ensuring the representation of all forces (Art 2), on preventing the disunion and internal disputes by facilitating the dialogue in order to solve the conflicts (Art 14) and on coordinating and organizing the relations between the armed groups (Art 16). However, despite these positive declared intentions some doubt their concrete application in the future. For example the reform of the PLO was already agreed in March 2005 without effect until now. Another bold initiative could be to build a united resistance front (Art 10) which is also drawn in this document even if the authors themselves do not seem to be very optimistic about its concretization (according to the formulation: “To work to form a united resistance”⁷⁹).



Press conference of eight Palestinian groups in Gaza city

Secondly, the other important issue is related to armed groups and the misuse of their weapons. Previously articles of the Prisoners’ document could be, if effectively applied, an appropriate response to most of the weapons misuse, such as those during internal conflicts between groups or groups and national institutions. However, there must also be focus on the use of weapons in non Occupation related actions, such as family conflicts or criminal acts, and in military actions which are largely seen as unacceptable like the kidnapping of foreigners. All the Palestinian movements should take seriously in consideration these issues since they can damage the image of the Resistance in general and the legitimacy of their weapons.

Concerning Fatah’s militias, reforms in the movement should focus on solving the above stated problems by, as one of the tasks, establishing a structured military wing and by strengthening the discipline inside Fatah’s rank. Moreover, in a general approach, a better control of all the movements’ weapons has to be formalized, combined with the adoption of aggressive measures against that kind of violations, within the resistance movement or in the PA in general.

Finally, the Palestinian Authority should also start to elaborate strategies for the post conflict era in order to disarm and reintegrate the militants and to dismantle the armed groups (after a peace agreement and the end of the Occupation), as reports revealed the potential danger of their remaining after the war (see for example “Removing Small Arms from Society, A review of Weapons Collection and Destruction Programmes”⁸⁰).

3. Other means

In order to collect illegal weapons, one expected solution is collaboration with important clans and families. According to the new interior ministry spokesman, Khaled Abu Hilal, the Palestinian government has chosen to do so: “We’re also enlisting support from the big families and clans and mukhtars (local mayors) to help confiscate illegal weapons.”⁸¹

However, if this policy succeeds, it will be able to lead to a potential threat for democracy in general. Indeed, in exchange for their cooperation this can bolster the families and clans, which have already been strengthened by the conflicts with Israel (according to Eyad Sarraj⁸²) and by the Palestinian Authority itself⁸³.

A greater enforcement of important families and clans is not necessarily a positive way to build a democratic system. A tribal loyalty replacing a national one can be dangerous when their respective interests differ.

Furthermore, measures can also be adopted in order to make the society aware of the potential dangers of the widespread of weapons. It can be achieved through an education campaign for example.

Its aim should be to prevent the misuse of weapons such as those during weddings and family conflicts by reflecting their potential dangers. It can be organized in universities, schools and via publication in newspapers and posters in the streets. Some workshops organized in Palestine on the theme of security and weapons have already revealed the importance of this issue for the youth.

The anti drug campaign in Palestine, like the one organized by the TIPH (Temporary International Presence in Hebron), is a good illustrating example for what can be concretely done.

4. Reaction of the Palestinian people, acceptability of this policy

Various polls, such as those of the Palestinian Center for Policy and Survey Research⁸⁴, of Jerusalem Media and Communication Center⁸⁵, of the Development and Studies Program of Bir Zeit University⁸⁶ and the annual report of the Graduate Institute of Development Studies of Geneva⁸⁷ are all revealing the demand for changes in the society and for more security for the citizens.

Even armed groups are condemning the ongoing insecurity. In the Prisoners’ document they also give their agreement to the struggle against lawlessness and for internal security reforms.

The Palestinian population requests the same steps according to the Palestinian Public Perceptions report of the Graduate Institute of Development Studies which stated that “a strong message in support of change appears in the answers to questions related to security sector reform”⁸⁸. Thus, eleven concrete security sector reform measures, from the trial of the security personnel responsible for human rights violations to the unification of the Security Services, are considered as important or very important by the Palestinians.

Consequently, the recommendations given previously are likely to be mainly accepted. However, opposition is inevitable, certainly coming from some of the old guard of Fatah which will not easily give up their position in the PA, for example in the head of the Security Services. A structural change will annul many jobs both because so much personnel currently hired are not needed, as Muhammad Dahlan the former chief of the Preventive Security Force in the Gaza Strip already stated in 1997, saying, “We have 36,000 people of whom we only need 10,000”⁸⁹, and also because members of others factions have to be a part of the Security Apparatus.

That is why the solution is not exclusively residing in reforms. Indeed, without an improvement of the economic conditions in the West Bank and in the Gaza Strip which would permit the reduction of unemployment and to provide new job opportunities to former security policemen, fighters and prisoners, the causes of chaos will still be present.

1 <http://disarmament.un.org/cab/smallarms/docs/rep52298.pdf>, p16
2 <http://disarmament.un.org/cab/smallarms/docs/rep52298.pdf>
3 Ibid, p11
4 Boutwell, J. (2001), *Light Weapons and Israeli-Palestinian Peace*, Seton Hall Journal of Diplomacy and International Relations, Vol. 2, No. 2, p 9
5 PASSIA, 2006, p313 & http://www.passia.org/palestine_facts/pdf/pdf2004/13-GOVERNMENT-NEGOTIATIONS.pdf
6 Luft, G. (2000), *Palestinian military performance and the 2000 Intifada*, Middle East Review of International Affairs, Vol. 4, No. 4, p3
7 Ibid, p2
8 Boutwell, J. (2001), *Opcit*, p8
9 Malbrunot, Georges, *Des pierres aux fusils: Les secrets de l'Intifada*, Paris, Flammarion, 2002, p150
10 <http://www.ohchr.org/english/law/index.htm>
11 *Palestinian Public Perception Report IX*, Graduate Institute of Development Studies, Geneva, April 2006, p33 & http://www.unige.ch/iued/new/information/publications/pdf/PPPReportIX_IUED.pdf
12 Sheera, Claire Frenkel, "Diskin: Sinai has become terror hub", *The Jerusalem Post* (Jerusalem), August 29th, 2006
13 Demick, Barbara, "A big battle may be brewing, Israel fears", *The Philadelphia Inquirer* (Philadelphia), December 18th, 2000
14 Malbrunot, Georges, *Opcit*, p150
15 Fisk, Robert, "In on the tide, the guns and rockets that fuel this fight", *The independent* (London), April 22nd, 2002
16 Malbrunot, Georges, *Opcit*, p149
17 Gilmore, Inigo, "Weapons stolen from Israeli soldiers arm Palestinian", *The Telegraph* (London), July 22nd, 2001
18 Boutwell, J. (2001), *Opcit*, p10
19 Malbrunot, Georges, *Opcit*, p157
20 "Nasrallah admits to funding terror", *Associated Press*, April 27th, 2006
21 *IslamOnLine.net* website, August 10th, 2002
22 Ibid
23 Issacharoff, Avi, "Palestinian lessons: Missiles are key to success", *Haaretz* (Jerusalem), August 7th, 2006
24 Ibid
25 <http://www.mfa.gov.il/MFA/Government/Communiques/2002/IDF%20and%20Border%20Police%20operation%20at%20Palestinian%20Pre>
26 *The New York Times*, July 28th, 2005
27 Geneva Center for the Democratic Control of Armed Forces (DCAF), *Palestinian Academic Society for the Study of International Affairs (PASSIA)*, "Security sector reform in the Palestinian Territories: Challenges and Prospects", July 2005
28 See Part 5 of this report
29 Case study, small arms and community security perception, North Gaza, p2 & http://www.mezan.org/document/small_wheapon_research_en.pdf
30 Ibid, p3
31 Albasoos, H. (2005), "Palestinian Security: Pressing Call for Security Sector Reform", October 2005, p11 & http://www.idrc.ca/uploads/user-S/11302473851Hani_Albasoos.doc
32 Wurmser, M. (1999) *Terrorism and a Palestinian State*. In: *A Palestinian State: Implication for Security and American Policy*. the Jewish Institute for National Security Affairs Washington, DC, pp. 15-26.
33 Case study, small arms and community security perception, *Opcit*
34 Malbrunot, Georges, *Opcit*, p154
35 Case study, small arms and community security perception, *Opcit*
36 <http://www.pchrgaza.org/files/weapon/english/report132.htm>
37 2005 Annual Narrative Report, The Palestinian Human Rights Monitoring Group, February 2006, p5
38 Heinrich, Mark, "Anarchy in Nablus evokes disorder of Arafat's rule", *Reuters*, February 3rd, 2004
39 Sukhtian, Lara, "Vigilantes take control of West Bank streets", *Associated Press*, November 2nd, 2004
40 Issacharoff, Avi, "Israel and Hezbollah went to war – and Hamas lost", *Haaretz* (Jerusalem), August 29th, 2006

41 Al Hayat (London) , March 3rd, 2006

42 “Report: Haniyeh, reporters' captors struck tacit deal on Shalit”, Associated Press and Haaretz Service, August 8th, 2006

43 Abu Toameh, Khaled, Al-Qaida raises its head in Gaza, The Jerusalem Post (Jerusalem), October 10th, 2005

44 http://www.pchrgaza.org/files/weapon/english/weapon_update.htm

45 Gutman, Matthew, “Gunmen made into lawmen for Hamas force”, USA Today (Washington), May 14th, 2006

46 Case study, small arms and community security perception, North Gaza, & http://www.mezan.org/document/small_wheapon_research_en.pdf

47 Defense for Children International –Palestine Section, Small arms and community security perceptions: Ramallah, Public perceptions of small arms and light weapons and community security in the Middle East, February 2006, p23

48 <http://www.pcpsr.org/survey/polls/2006/p20e1.html>

49 <http://disarmament.un.org/cab/smallarms/docs/rep52298.pdf> , p10

50 Amnesty International, the International Action Network on Small Arms and Oxfam International, Guns or Growth? Assessing the impact of arms sales on sustainable development, June 2004, p24

51 <http://disarmament.un.org/cab/smallarms/docs/rep52298.pdf>, p20

52 Albasoos, H. (2005), Opcit, p13

53 Ibid

54 Ibid, p16

55 Palestinian Public Perception Report IX, Opcit, p35

56 Ibid, p34

57 Albasoos, H. (2005), Opcit, p16

58 Defense for Children International –Palestine Section, Opcit, p27

59 The Palestinian Center for Human Rights, “Crises in the PNA: Events and the Challenge of Reform”, August 2004 & http://www.pchrgaza.org/Interventions/poss_aug.htm

60 Roy, S. (2001a) Palestinian Society and Economy: The Continued Denial of Possibility. Journal of Palestine Studies, XXX (4).5-20.

61 “Frustrated Palestinians say Arafat out of control”, Chris Mitchell, 11.03.2004, CBN News,

62 Albasoos, H. (2005), Opcit, p7

63 Brown, N. (2002), “The Palestinian Reform Agenda”, Peaceworks No. 48, United States Institute of Peace, p31 & <http://www.usip.org/pubs/peaceworks/pwks48.pdf>

64 Ibid, p9

65 Ibid, p31

66 Ibid, p10

67 The Palestinian Center for Human Rights, Opcit

68 Ibid

69 Brown, N. (2002), Opcit, p35

70 The Palestinian Center for Human Rights, Opcit

71 Geneva Center for the Democratic Control of Armed Forces (DCAF), Palestinian Academic Society for the Study of International Affairs (PASSIA), Opcit, p7 & http://www.dcaf.ch/mena/ssr_ramallah_050730Report.pdf

72 The Palestinian Center for Human Rights, Opcit

73 Albasoos, H. (2005), Opcit, p31

74 Sami Faltas, Glenn McDonald, Camilla Waszink. 2001. Removing Small Arms from Society: A Review of Weapons Collection and Destruction Programmes, Occasional Paper No. 2, p16 & http://www.smallarmssurvey.org/files/sas/publications/o_papers_pdf/2001-op02-weapons_collection.pdf

75 Ibid

76 Palestinian Public Perception Report IX, Opcit, p37

77 Rabbani, M. (2001b) A Smorgasbord of Failure: Oslo and the Al-Aqsa Intifada. In: The New Intifada: Resisting Israel's Apartheid. (Ed, Carey, R.) London: Verso, pp. 69-90.

78 http://www.nad-plo.org/inner.php?view=news-updates_pre12

79 Ibid

80 Sami Faltas, Glenn McDonald, Camilla Waszink, Opcit

81 Kristianasen, Wendy, Palestine: Hamas besieged, Le Monde diplomatique (Paris), March, 2003

- 82 Karmi, O, (2003), Defiant, Helpless and Demoralized, Palestine-Israel Journal of Politics, Economic and Culture, Vol. 10, No. 4 & <http://www.pij.org/details.php?id=62>
- 83 Usher, Graham, "The return of the tribes", Al Ahram (Cairo), October 30th – November 5th, 1997
- 84 <http://www.pcpsr.org/survey/index.html>
- 85 <http://www.jmcc.org/publicpoll/studies.html>
- 86 <http://home.birzeit.edu/dsp/opinionpolls/>
- 87 Palestinian Public Perception Report IX, Opcit
- 88 Ibid, p36
- 89 Al -Quds Al-Arabi (London), April 25th, 1997