Building a state or maintaining the occupation? 
International support for Fayyad’s state-building project

By Anders Persson*

Over the past two decades, state-building has developed into an integral part of peacebuilding. International support, primarily from the EU and the US, for Palestinian institution-building has been a prime example of this development but, so far, neither peace nor a Palestinian state has emerged. A growing number of critics has instead begun to claim that this support is maintaining Israel’s occupation rather than contributing to a genuine peace process and a future Palestinian state. This article examines these claims by looking at the achievements and failures of Palestinian institution-building and the role of the international community in the process. The main conclusion is that while the PA, supported by the EU, the US and the rest of the international community has acted illiberally and to some extent maintained the occupation, it is hard to see how the occupation can otherwise come to an end if there are no Palestinian institutions, no security sector reforms, no rule of law and no applications of good governance in the West Bank; all of which require cooperation with Israel and the occupation at this stage.

Keywords: Peacebuilding, State-building, Transitional justice, Israeli-Palestinian conflict.

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Introduction

Since the peace process began after the Oslo Accords were signed in 1993, the international community has invested heavily in building Palestinian institutions and preparing for a future Palestinian state alongside Israel. In that sense, peacebuilding has followed the growing trend of making state-building an integral part and even a specific approach to peacebuilding. The belief in the international community was, and still is, that only when the Palestinians were able to guarantee their own security and the security of Israel, would Israel be ready for a major withdrawal from the West Bank and for the dismantling of settlements. However, despite years of hard work by the international community, and billions of euros and dollars in aid to both the Palestinian Authority and the Government of Israel, neither peace nor a Palestinian state has so far emerged. With a seemingly growing number of critics claiming that the EU and the US are subsidizing Israel’s occupation rather than contributing to genuine peace, the EU and the US continue their support for the Palestinian Prime Minister Salam Fayyad’s plan for a Palestinian state, which was supposed to be established by September 2011. Fayyad’s plan for a state follows classical state-building strategies by focusing first on security sector reform (SSR), then rule of law and good governance. While a Palestinian state has yet to materialize, Fayyad and his government have produced considerable results according to most observers, including the EU, the US and the World Bank. But even if the progress is real, it is also clear that these achievements have taken place within an authoritarian context with questionable democratic legitimacy on behalf of the PA, little respect for human rights, and repeated allegations of torture etc., as numerous human rights organizations have pointed out. The fiercest critics even argue that Fayyad’s achievements have benefited Israel rather than the Palestinians, and that the support for Palestinian institution-building has only maintained Israel’s occupation. This article probes what kind of Palestinian institutions have been built so far and whether or not the international community has actually maintained an Israeli state or if it has only maintained the occupation.

1. This article has been written as part of the research project “Just and Durable Peace by Piece” #217488, which is funded by the EU’s 7th Framework Programme. For more information about the project, its publications and results, please visit the project’s website at www.justpeace.eu.
2. More, The Dilemma of Aid to the PA, 87-94; Youngs, Europe and the Middle East.
occupation rather than supported the building of a Palestinian state. In line with Roland Paris’ argument that peacebuilders have little choice but to act “illiberally” in the earliest phases of societies in transition from war to peace, the main argument of this article is that the international community has indeed acted illiberally by supporting the un-elected Palestinian Prime Minister Salam Fayyad and by its close security cooperation with the PA’s security forces. The latter has, in a sense, unintentionally maintained Israel’s occupation by making it easier for Israel to control the West Bank. While these illiberal acts certainly are problematic, it is at the same time hard to see how the objective of ending the occupation could otherwise be realized without Palestinian institutions, without SSR, without rule of law and without applications of good governance in the West Bank; all of which require cooperation with Israel and the occupation at this stage.

State-building as an approach to peacebuilding

State-building as an approach to peacebuilding is based on three dimensions; a security dimension where SSR, human rights and human security are the main features; a political dimension with elections, transitional justice and rule of law as the main features; and an economic dimension which focuses on economic development through marketization, liberalization and good governance. As these ideas, which are essentially liberal ideas, are delivered together, or imposed as the critics say, on societies across the world, sequencing has proven to be difficult. According to Rubin, there is often an interdependent relationship between the various security, political and economic elements of state-building as an approach to peacebuilding, which makes them difficult to separate. There is also a realization that everything cannot be done at once. So in practice, some form of sequencing necessarily takes place anyway, and security is almost always considered as the first priority. The “security first” approach is based on the widely shared recognition in the literature that without security, other tasks of state-building are impossible. Although sometimes forgotten in policy-making circles and in the public debate, it is important to point out that state-building historically has been a violent process. As Fukuyama and others have observed, the current state system in Europe came about only after centuries of violent conflicts.

The security dimension

In the last two decades since the end of the Cold War, there has been a shift both in academic and practitioner circles away from a narrower state-centric, national and military view of security to a broader focus on human security and non-military threats. The shift began with the 1994 UN Human Development Report and resulted in a new security agenda which is both broader and deeper than before. According to Krause, this shift from state security towards

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7. Paris, At War’s End
8. Call (a), Ending Wars, Building States, 14; Rubin, The Politics of Security, 35.
11. Call (b), Building States to Build Peace; Rubin, The Politics of Security, 42.
human security represents the culmination of the liberal project of state-building as an approach to peacebuilding. The shift towards the security of the individual or the group has highlighted the tensions that sometimes exist between state security and human security, where the former, historically, has often jeopardized the latter. The main tension lies in that the state is needed in order to promote and protect human security, while at the same time, the state is diagnosed as the source of much human insecurity. With overlaps to several of the terms that will be outlined later in this article: rule of law, good governance, human security etc., SSR has emerged as a distinct field since the late 1990s, covering efforts to reform the military, police and all armed personnel and to bring them under democratic civilian control. This is of crucial importance in the transition from conflict where various armed groups often are operating in an undemocratic manner without democratic or civilian oversight. As many of these armed groups are non-state actors, SSR cannot be thought of solely in terms of reforming public structures. Demobilization of non-state armed groups or their integration into the state’s security forces is also necessary. It is important to note that almost nothing has been written in SSR literature about how to handle powerful armed groups, like Hamas and Hezbollah. All that exists in this regard are vague and unspecified phrases such as it could be “difficult to carry out SSR activities”, or that peacebuilders sometimes have little choice but to act “illiberally”. Almost by definition, the security dimension of state-building as an approach to peacebuilding begins under difficult circumstances where the state often lacks the capacity to provide security and other basic services. The establishment and control of the means of legitimate violence is therefore considered to be the most important task for the security dimension of state-building as an approach to peacebuilding. When peace processes require security reforms or human rights protection, it is necessary simultaneously to strengthen the state, as a weak state usually cannot sustain these reforms. A state undertaking new security reforms in conflict and post-conflict situations must also have legitimacy if citizens are to join the security forces and be effective in their work. The success of SSR is thus closely related to the growing legitimacy of the state.

The political dimension

Besides the early focus on security, about which there is little disagreement, the other major issue with regard to sequencing in the state-building process lies in the political dimension, where there is a debate over if, when, and how to hold elections in conflict and post-conflict societies. The experience from several cases over the past two decades has demonstrated that holding elections without pre-arranged power-sharing pacts and institutions capable of upholding these pacts, can undermine rather than help the state-building process. In practice, this means that the pursuit of democracy can undermine efforts to secure peace, and likewise, efforts to secure peace can undermine the meaning and quality of democracy. Call has suggested that in order to bridge this potential gap between the competitive nature of democracy and the reconciliatory nature of peace, the principle of meritocracy must often be balanced

15. Ibid. 154.
17. Hänggi, Security Sector Reform, 347; Paris, At War’s End, 209.
19. Ibid., 31.
20. Call (a), Ending Wars, Building States, 12.
22. Sisk, Peacebuilding as Democratization, 239.
with ethnic compromise or other types of power-sharing.\textsuperscript{23} While the pitfalls of elections are well-known, it is at the same time difficult, as Jarstad has pointed out, to imagine other ways to secure democratic legitimacy than through elections.\textsuperscript{24} Consequently, despite all the well-founded concerns with holding elections in conflict and post-conflict societies, they remain an essential stage in the state-building process and a crucial test for creating legitimacy for a state.\textsuperscript{25} Transitional justice and the rule of law are the other two key features of the political dimension of state-building as an approach to peacebuilding. While both these terms have become increasingly popular over the past two decades, it is important to emphasize that attempts at transitional justice in conflict and post-conflict societies are nothing new. While a large section of the transitional justice literature is about how to deal with the past, there is an increased recognition in the literature that transitional justice has to deal with the present and the future as much as with the past.\textsuperscript{26} This creates tensions similar to those that exist in the peace and conflict literature between peace and justice, where the pursuit of one can affect the other negatively. In the transitional justice literature, a less abstract variant of the peace versus justice dilemma is the punishment versus impunity dilemma, which is about accountability/punishment/justice on the one hand and impunity/reconciliation/peace on the other.\textsuperscript{27} When transitional justice is focused on the present and the future rather than past, the concept of the rule of law assumes a more prominent role.\textsuperscript{28} Rule of law refers to the principle that no one, including the state itself, is immune from the law, which further stipulates supremacy of law, equality before the law, accountability to the law, impartiality of justice, separation of powers, participation in decision-making, legal certainty, protection of human rights and procedural and legal transparency.\textsuperscript{29} As the process of establishing the rule of law is both costly and lengthy it is sometimes considered a luxury which economically impoverished countries cannot afford in light of more pressing needs such as feeding the hungry or basic health care.\textsuperscript{30} The costs involved for impoverished countries in establishing the rule of law almost inevitably leads to the involvement of international third parties in the process. Efforts to establish rule of law in conflict and post-conflict societies focus primarily on creating a secure environment for the entire population and on establishing the basis for long-term development. These efforts include creating/strengthening the national justice system and related institutions; training judges, lawyers and police; disarming militias, restoration of order and protection of human rights.\textsuperscript{31} By its focus on security, rule of law efforts function as a bridge between the political and security aspects of state-building as an approach to peacebuilding.

The economic dimension

Although the three dimensions of state-building as an approach to peacebuilding are interlinked and considered to be mutually reinforcing, the economic dimension is perhaps even more associated with liberalism than the security and the political dimensions. As Paris has noted, the idea that economic liberalization is a remedy for violent conflict is not new.\textsuperscript{32} It
goes back to President Woodrow Wilson’s foreign policy after World War I and further back to liberal philosophers such as Adam Smith and Immanuel Kant. Historically, and even until recently, economic liberalism has generally not emphasized the importance of the state, although it was well understood among classical liberal philosophers that successful market economies presupposed the rule of law. This has changed somewhat over the last decade since it became increasingly clearer that a strong state with strong institutions was in fact needed to counter some of the destabilizing factors in conflict and post-conflict societies, not least of the liberal economic policies themselves. After the rapid liberalization and marketization that took place in the world during the 1980s and 1990s, a widespread realization emerged that liberal economic policies were not, as Paris puts it, a “miracle cure” for conflict and post-conflict societies, which in turn led to what Chandler calls the “rediscovery of the state”. The result of this realization was a move towards a greater emphasis, both among academics and practitioners, of the need for strong institutions and good governance. The term “good governance” emerged in the 1980s and 1990s in the development literature in response partly to the problems associated with implementing liberal economic reforms in developing countries and partly as a strategy to absorb foreign aid and translate it into development effectively. As has been mentioned earlier, in many parts of the world, democratization and liberalization had not yielded the expected positive results; instead resulting in ineffective semi-authoritarian regimes led by notoriously corrupt officials. This has also been the case with the Palestinian Authority, even though the current Prime Minister Salam Fayyad has improved the situation significantly in terms of a more efficient management of funds.

International support for Fayyad’s state-building project

In the Palestinian Prime Minister Salam Fayyad’s working plan “Palestine — Ending the Occupation, Establishing the State”, the Prime Minister outlined a detailed two-year working plan ending with the establishment of a Palestinian state in August 2011 (later changed to September 2011). European and American officials have repeatedly, and almost always uncritically, emphasized their commitment to Fayyad’s plan. In July 2010, the High Representative Catherine Ashton said that “[t]he European Union will continue to work side by side with him [Fayyad] and his government to lay the foundations for a Palestinian State.” A month earlier, in June 2010, Tomas Dupla del Moral, Director of Middle East and South Mediterranean Department in the European Commission, said that “we are proud of our joint achievements during the past three years and we see steady progress in the PNA’s efforts to fulfil their ambitious state-building agenda that we support whole-heartedly.” There is no doubt that the Palestinians have made progress over recent years in many sectors; security, rule of law, good

33. Ibid. 201.
34. Robinson, State-building and International Politics, 12.
36. Kahler, Statebuilding after Afghanistan and Iraq, 287.
39. PNA, Ending the Occupation
governance and human rights. These efforts have been widely praised by all parties involved, including the EU, the UN, the US, the World Bank and even the Israelis, who are very pleased by what the PA and Fayyad have done in the security sector in terms of dismantling militias and arresting militants, particularly those affiliated with Hamas. All this has indeed contributed to a dramatic cessation of the violence in the West Bank over the past years, both when it comes to Palestinian attacks on Israelis, and vice versa. Despite the progress, which indeed is genuine, as Thomas Dupla del Moral put it, the “whole-hearted” support of Fayyad by the EU has often been uncritical. While the EU did criticize the PA for human rights abuses in its latest progress report from 2010, it is almost impossible to find an EU statement explicitly critical of Fayyad. This uncritical support has taken place in an environment of severe human rights abuses by the PA, internal political chaos and questionable political legitimacy of the Fayyad government, which remains un-elected.

“Security first”: SSR in the Palestinian territories

After Arafat’s death in November 2004, the new President Mahmoud Abbas was eager to break up Arafat’s hold over the security forces. The PA’s security infrastructure had largely been destroyed during the Second Intifada; police stations, prisons and other institutions were systematically targeted by Israel because of the involvement of the PA’s security forces in the Intifada. Widespread unrest and anarchy followed as armed militias, radical groups, family clans and criminal gangs filled the security vacuum that was created in the West Bank and Gaza Strip. The security situation in Israel and the West Bank improved significantly after 2005 and onwards due to a series of events; Arafat’s death in November 2004 and the new PA President Mahmoud Abbas’ declaration in February 2005 of an end to the Intifada and to armed confrontation with Israel; and Israel’s disengagement from Gaza in 2005 and the building of the separation barrier/wall. A general war fatigue on both sides and significantly fewer Israeli casualties due to Palestinian violence also helped to improve the situation. When Salam Fayyad became Prime Minister in June 2007 an even stronger emphasis was placed on security. Fayyad’s Palestinian Reform and Development Plan (PRDP) identified security as the top priority for the PA. The word security is mentioned 167 times in the PRDP. Both the EU and the US have assisted the PA in reforming the security sector. A sort of blue-green division exists right now in the West Bank where the EU assists civil security structures, while the US assists more militant security structures, like the Palestinian National Security Forces and the Presidential Guard. The EU supports the Palestinian Civil Police, which is the PA’s main law enforcement apparatus. The Palestinian Civil Police (PCP) handles ordinary functions, such as combating crime and maintaining public order, and it often finds itself in difficult situations. “It is very delicate all the time” says Victoria Sjölander, Political Advisor of the EUPOL COPPS and “people criticize the PA, the security forces, the police for doing the job of Israel when they arrest wanted people because these people might have been wanted by Israel in the past.”

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43. The European Commission, Progress Report, 2.
44. Al-Fattal, European Union Foreign, 38.
46. Bulut, EUPOL COPPS (Palestinian territories), 296.
47. Victoria Sjölander, Ramallah 14 April 2010, personal interview.
One of the most difficult tasks for the PCP is to maintain order at demonstrations against the occupation and sometimes to prevent demonstrations from reaching checkpoints. The dilemma here is that, on the one hand, there must be room for expressing legitimate criticism against the occupation. On the other hand, sometimes the Palestinian police might need to save people from injury during confrontations with the occupation forces. “We had a discussion last year during Operation Cast Lead when there were a lot of demonstrations heading for checkpoints” says Victoria Sjölander of EUPOL COPPS, and “we were thinking you know: what is better, being shot by an IDF soldier or being beaten with a stick by the Palestinian police.”

**Democracy and human rights in the Palestinian territories**

The 2006 elections in the Palestinian territories, which were won by Hamas, are a classic case of the difficulties involved in holding elections in conflict and post-conflict societies. Highlighting what Aggestam and Björkdahl call “the potential of peacebuilding to provoke new conflicts” and to do harm to local societies, a dozen leading Palestinian NGOs calling themselves “Palestinian Civil Society” state that by refusing to enter into a dialogue with the Hamas government in Gaza, the international community has exacerbated the intra-Palestinian rivalry and fuelled the conflict between Hamas and Fatah. Support for this critique is well-established in the EU literature, where there is a widespread consensus that the boycott of Hamas after the 2006 elections was a fatal blow to the EU’s normative power in the region and that it has not worked out well, although few commentators have, until recently, suggested alternative strategies for dealing with Hamas. Echoing this, in late 2009, Muriel Asseburg and Paul Salem published a paper in which they argued that “no successful policy can sideline Hamas, whose engagement in any peace initiative must be actively sought”. But the EU and the US appear to have little desire to legitimize the Hamas government in the way they did the PLO before Oslo. Ultimately, it is clear that there is a huge discrepancy between the US and EU placing Hamas on a terrorist list, and a few years later the Palestinians placing the same group in their government. On the rhetorical level, ECTAO, European Commission Technical Assistance Office for the West Bank and Gaza Strip, emphasizes on its website that the “Union is committed to human rights and works to ensure they are respected universally”. The website further states that “[t]he EU has made human rights a central aspect of its external relations”. Those who criticize the EU for its role in cases of PA human rights abuses all agree that there is a gap between the rhetoric in the Union’s declarations and what the EU does on the ground in the Palestinian territories. Some of the fiercest critics, like David Cronin, accuse the EU of being directly acquiescent in both Israeli and PA human rights violations against the Palestinian people. The Fayyad government is seen by Cronin as a proxy for Israel and the West, meaning primarily the US and the EU, which acts to enhance Israel’s security rather

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48. Ibid.
50. Smith, _European Union Foreign Policy_; Diez & Pace, _Normative Power Europe and Conflict Transformation_.
than protecting its own people. Other critics, like several of the leading Palestinian NGOs, hold Israel, Hamas and the PA as directly responsible for the human rights violations in the Palestinian territories, only giving the EU a secondary indirect responsibility for these cases of abuse.

Creating security for whom?

Many PA officials regard the current security measures in the West Bank as a political tool which can be used against Israel and the US to gain leverage in the negotiations. The underlying logic is that by fulfilling the PA’s security commitments the PA hopes to be able to turn the table against Israel and undermine Israel’s arguments for keeping soldiers and settlers in the West Bank for security reasons. The flip side of this strategy is that all Palestinians who are affiliated with Hamas and other radical groups are excluded at best, and targeted at worst, by the security measures undertaken by Fayyad’s government and indeed by much of the state-building project itself. As one Hamas-affiliated law student told the International Crisis Group:

I have studied law for four years, and I’m top of my class. But I will not get a job within the PA bureaucracy or any institution the PA controls, since I will not get security clearance. I have no place in the society that is being built from Ramallah.

As has happened several times in the past, the interests of the PA regarding security have converged with those of the international community, the surrounding Arab states, and Israel, in that all these actors want stability in the region and the survival of the PA. There is no doubt that this situation is good for Israel, and high-ranking Israeli officers regularly praise the Palestinian security services for their work to combat violence against Israel. One former senior Israeli defense official was quoted in the International Crisis Group’s September 2010 report on Palestinian security reform under occupation, as saying that:

[T]he current security set-up significantly reduces the burden on Israel’s shoulders. When the Palestinians take care of our security, this is the best kind of security arrangement we can achieve.

Many Palestinians regard the PA’s security forces not merely as agencies that provide law and order; rather, they are seen as vehicles for achieving national independence. When the Palest-
tinian security forces suppress their own people with violent, although not deadly, means in demonstrations against the occupation, the line between serving the Palestinian people and serving the occupation is indeed thin. “The political sensitivity of creating security without making it look as if you are protecting Israel” is one of the most difficult things, says Victoria Sjölander, the political advisor of EUPOL COPPS.59 While the EU, the US and other third parties often get caught between the different concepts of security of the two sides, supporting one or both parties’ security concerns does not have to be negative. Security does not have to be a zero-sum game or mutually exclusive as is often assumed by the parties in the Israeli-Palestinian conflict. As Victoria Sjölander puts it:

We [the EU] are here to provide the Palestinian people with the feeling of security from their own. We are not here to protect to make sure that Israel get their security because that will anyway be the result of it; that is how I see it, but it is very difficult to reach that point, because of all these external factors; not being able to perform because of the restrictions; because of deadlock in the peace negotiations.60

While this close cooperation with the Israeli occupation forces is clearly problematic for the PA from a human rights perspective, it has major advantages from a national security perspective. The present security situation in the West Bank certainly benefits the Palestinians in the sense that it has created an environment where the PA can further its cause in a non-violent context. It is much easier now for the Palestinians to claim that they have undertaken their commitments with regard to security and the peace process, while claiming that the Netanyahu government has not, thereby putting pressure on Israel to be more forthcoming in the negotiations. Fayyad’s plan to establish a Palestinian state would be far less feasible in an environment of constant violence against Israeli targets, whether legitimate or not.

Transitional justice: Rule of law under occupation

Working to create rule of law, in the sense that no one is immune from the law in the Palestinian territories, is one of the main pillars of the international community’s and particularly the EU’s work to support Palestinian institution-building and transitional justice. Rule of law was one of the issues to which the 2005 Action Plan attached particular importance.61 In the Progress Report from 2008, it was recognized that “PM Fayyad has made considerable progress in the area of rule of law and succeeded in deploying security forces in Nablus, Jenin, Hebron and Bethlehem”.62 However, the report also stated that “Hamas has established parallel structures throughout the Gaza Strip, including duplicates of institutions already existing in the West Bank, which exacerbated the split between the two parts of the occupied Palestinian territory”.63 When it comes to establishing rule of law in the Palestinian territories, two EU efforts are of particular importance: the EUPOL COPPS Rule of Law Section and the Seyada II project.64 A key problem for these and other similar programmes is that they are taking place un-

60. Ibid.
63. Ibid. 4.
64. Seyada II is a project funded by the EU with the aim of development and strengthening the Palestinian judicial system. The project has a budget of €4.4m. Beneficiaries of Seyada II include the High Judicial Council, the Palestinian Judicial Institute and the Palestinian Bar Association.
under a decades-long Israeli occupation which makes this a very special, if not unique, case of establishing transitional justice and the rule of law under an occupation with no end in sight, a contradiction in both theoretical and practical terms. To complicate things further, the laws in force in the Palestinian Territories stem from the latest five centuries of foreign rule, from the Ottomans to the Israelis, which means that the legal system is a mixture of several different legal systems. In reality, the PA does not exercise overall, exclusive and independent governmental authority over the territory, most of which is fragmented, and its population. This is referred to by some Palestinian legal experts as "rule of law without freedom". It is important to emphasize that both EUPOL COPPS Rule of Law Section and Seyada II deal with civilian justice in the Palestinian territories. This is fortunate, says Feras Milhem, deputy team leader of Seyada II, because then we do not have to deal with the military justice where the Americans are involved, which is where most of the abuse against Islamists and others has taken place. But there have been allegations of ill-treatment/torture even against the PCP, which is the one of the myriad of Palestinian security forces being trained by the EUPOL COPPS. The Progress Report from 2009 stated that "while the number of reports of torture or ill-treatment decreased, there appeared to have been an increase in the cases of unlawful arrest/detention". We cannot monitor violations says Nicholas Robson, Head of EUPOL COPPS Rule of Law Section, only advise the Palestinians to improve. According to Robson, what needs to be in place is a proper system for complaints. Given all the challenges for the rule of law situation in the Palestinian territories, two key questions to be asked are what should really be the yardstick for success and the frame of reference for a Palestinian state? In the EU’s documents on the rule of law situation in the Palestinian territories, the EU often speaks of "best international standards" and “highest operational standards". While Palestinian judicial institutions and the laws in place already are better than in neighboring Arab countries, Nicholas Robson says that it would be unfair to compare them to European standards. Because of all the international input (foreign experts working within governmental structures) which does not exist in other countries in the region, the level of competence in judicial institutions in the Palestinian territories is far higher compared to regional standards. But this does not mean, according to Alfons Lentze, team leader of Seyada II, that there is proper implementation because of all the constraints. Beside the Israeli occupation and the Oslo structure, internal Palestinian structures, such as the West Bank/Gaza split, informal tribal justice systems and gender barriers, are further constraints for proper implementation of the legal system. For example, a woman may have difficulties approaching the police in matters related to crimes of

66. Ibid. 1.
67. Feras Milhem, Ramallah 5 December 2010, personal interview.
68. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
70. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
72. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
73. Alfons Lentze, Ramallah 5 December 2010, personal interview.
honour as this type of crime has traditionally been dealt with within the family and within other informal structures and, according to Milhem, the police expect things to stay like that.74

Good governance

As mentioned, good governance is a term used in the development literature to describe how institutions produce results that meet the needs of society while making the best use of resources at their disposal.75 It is an indeterminate term, usually with various criteria or principles attached to it. The European Commission has identified five such principles underpinning good governance: openness, participation, accountability, effectiveness and coherence.76 Good governance is also one of the main tenets of Salam Fayyad’s working plan “Palestine — Ending the Occupation, Establishing the State”. Basically all of the Commission’s principles for good governance are recognizable in Fayyad’s plan:

Achieving our national goals depends on the adoption of the basic principles and practices of good governance throughout the public sector, the private sector and civil society. In the light of the occupation regime’s continued measures that hamper the efficiency and effectiveness of our national institutions, the establishment and promotion of good governance in the occupied territory is elevated to the status of a national goal in and of itself. The basic aim is to meet the demand of our people for transparent, accountable institutions that deliver services, social development, economic growth, and career opportunities free from favouritism and wastefulness. Achieving this goal requires commitment and determined effort from all corners of our society.77

While the PA has made genuine improvements in implementing the rule of law and wider security sector reform, achieving good governance has been more problematic for the PA for a number of reasons. The split between the West Bank and Gaza with ensuing political chaos and stalled elections, presidential, legislative and municipal, has created two separate governments: one in Gaza and one in Ramallah, both with questionable legitimacy. It is important to note that the Fayyad government, which is so widely praised by the international community, including by the EU and the US, has never been elected by the Palestinian people. While the democratic credentials of Fayyad and his government therefore are highly questionable, the Prime Minister himself enjoys an enormous legitimacy in the international community, even up to a point where observers now talk about “Fayyadism”. In a June 2009 op-ed in The New York Times, Thomas Friedman wrote that:

Fayyadism is based on the simple but all-too-rare notion that an Arab leader’s legitimacy should be based not on slogans or rejectionism or personality cults or security services, but on delivering transparent, accountable administration and services. Fayyad, a former finance minister who became prime minister after Hamas seized power in Gaza

74. Feras Milhem, Ramallah 5 December 2010, personal interview.
in June 2007, is unlike any Arab leader today. He is an ardent Palestinian nationalist, but his whole strategy is to say: the more we build our state with quality institutions — finance, police, social services — the sooner we will secure our right to independence. I see this as a challenge to "Arafatism," which focused on Palestinian rights first, state institutions later, if ever, and produced neither.\(^7^8\)

While it must be recognized that Prime Minister Fayyad’s personality is a real asset vis-à-vis the international community, guaranteeing that donors like the EU and the US will keep the PA afloat over the foreseeable future, observers like Nathan Brown have begun to talk about a "new authoritarianism" in the Palestinian territories and even an "end to Palestinian democracy"\(^7^9\). Fayyad himself responds to these allegations of authoritarian tendencies by his government by saying that the present situation should be compared to the lawlessness that was prevalent in the West Bank before he assumed the Prime Minister post in 2007. Fayyad also blames Hamas for the questionable democratic credentials of the PA. “We do not want to be authoritarian, we want elections, but Hamas has prevented that”, says Fayyad.\(^8^0\) Despite the difficulties, the EU and the US fully support Fayyad’s government and its agenda for institutional reform and development, outlined in the 2008 Palestinian Reform and Development Plan (PRDP).\(^8^1\) According to an international aid practitioner based in Jerusalem and Ramallah, there are many infrastructure projects going on in the West Bank today, like sewage system construction, which can be hard to see on the surface and unglamorous for journalists and academics to write about, but that nevertheless are of great significance for the institution-building process and the local population. The problem, however, says the aid practitioner, is that while there are big technical improvements, there are small, if any, political achievements.\(^8^2\)

**Conclusion: Cooperation with Israel to establish the state**

American and European support for Fayyad and his state-building project has had a transformative impact on the ground in the West Bank, empowering the Palestinian Authority and laying the groundwork for Prime Minister Salam Fayyad to build functioning institutions and keep the prospects of peace alive among Palestinians. International support has been crucial for the state-building process in the Palestinian territories and indeed for the future prospect of the two state solution. It is therefore imperative that Palestinian institution-building is recognized by the international community as an issue of the same importance as the final status negotiations. Without proper Palestinian institutions, there will be no Palestinian state and without a Palestinian state, there will be no peace in the foreseeable future. The Rand Palestinian State Study Team concluded in 2005 that “[t]he success of an independent Palestinian state — indeed, its very survival — is inconceivable in the absence of peace and security for Palestinians and Israelis alike.”\(^8^3\)

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80. Salam Fayyad, Q&A at a seminar in Oslo, 15 December 2010.
82. International aid practitioner, Jerusalem 7 December 2010, personal interview.
made significant progress in recent years and the PA appears to be technically ready for statehood. As to whether the international community has maintained an Israeli occupation instead of building a Palestinian state, the answer is that it has done both. In order to support Palestinian institution-building, the international community is dependent on cooperation with Israel, even when Israeli consent and goodwill are lacking. There is of course the alternative of not cooperating with Israel as has been suggested by the critics who argue that the international support for the state-building process only maintains the occupation. The critics certainly do have a point in that close cooperation with Israel inevitably means toning down criticism against the Israeli occupation, particularly against settlement construction. On the one hand, this enables the occupation to go on, but on the other hand, it is hard to see how the Palestinians could ever realize a Palestinian state and end the occupation if there were no Palestinian institutions, no security sector reforms, no rule of law and no good governance in the West Bank. As one Palestinian police officer told the International Crisis Group:

Before I go to bed at night, I look at myself in the mirror with pride, as I know that what I am doing is the only way to an independent Palestinian state.84

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