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Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 November 2005

**15053/1/05
REV 1 EXT 2 (23.07.2015)**

**COSDP 861
PESC 1075
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NOTE

From:	Secretariat
To :	Delegations
Subject :	Draft Operation Plan (OPLAN) for the EU Police Mission in the Palestinian Territories (EUPOL COPPS)

Delegations will find enclosed the revised draft Operation Plan (OPLAN) for the EU Police Mission in the Palestinian Territories (EUPOL COPPS) as forwarded by the designated Police Head of Mission.

REFERENCES

- A. United Nations Security Council Resolution 1325 of 31 October 2000
- B. European Council Conclusions 17-18 June 2004
- C. Council Conclusions (GAERC) 11 October 2004
- D. Exchange of letters on 20 April 2005 between the Palestinian Prime Minister Ahmed Qurei, and Marc Otte, the EU Special Representative to the Middle-East Peace Process, formally establishing the European Union Co-ordinating Office for Palestinian Police Support (EU COPPS)
- E. Palestinian Civil Police Development Programme (PCPDP) July 2005
- F. Options for a follow-on to EU COPPS (Co-ordinating Office for Palestinian Police Support (doc. 10220/05, RESTREINT UE)
- G. Advice from the Committee for Civilian Aspects of Crisis Management (CIVCOM) on the Options for a follow-on to EU COPPS (Co-ordinating Office for Palestinian Police Support) (doc. 11071/05, RESTREINT UE)
- H. PSC Conclusions of 12 July 2005 (CFSP/SEC/1445/05)
- I. Council Conclusions (GAERC) 18 July 2005
- J. Council Conclusions (GAERC) 3 October 2005
- K. Letter from Palestinian Prime Minister to the SG/HR confirming its commitment to EUPOL COPPS on 25 October 2005
- L. Council Joint Action 2005/797/CSFP of 14 November 2005
- M. EUPOL COPPS CONOPS 13047/2/05 REV 2

1. Situation

1.1 General

The European Council of 17 and 18 June 2004 reaffirmed the readiness of the EU to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity.

The European Union Co-ordinating Office for Palestinian Police Support (EU COPPS) was formally established by an Exchange of letters on 20 April 2005 between the Palestinian Prime Minister Ahmed Qurei, and Marc Otte, the EU Special Representative to the Middle-East Peace Process.

The General Affairs and External Relations Council of 18 July 2005 reiterated the EU commitment to contributing to the development of Palestinian security capacity through the Palestinian Civil Police (PCP), in co-ordination with the US Security Co-ordinator. The Council also agreed in principle that EU support to the Palestinian Civil Police should take the form of an ESDP mission building on the work of the EU Co-ordinating Office for Palestinian Police Support in co-operation with all parties concerned.

In a letter of invitation of 25 October 2005 the Palestinian Authority invited the EU to launch an EU Police mission for the Palestinian territories.

EUPOL COPPS will implement its mandate - as adopted in the Joint Action by the Council on 14 November 2005 (2005/797/CFSP) - in the context of a situation posing a threat to law and order, the security and safety of individuals, and to the stability of the area and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.

The Mission will formally be known as EUPOL COPPS but locally in the Area of Operation will retain its established title EU COPPS.

1.2 Political

The Palestinian Territories are composed of two separate geographical entities, the West-Bank and Gaza. There is no direct connection between the West Bank and Gaza, other than, in the near future, so-called sanitised convoys. The current population is estimated at around 4 million people (West Bank: 2,5 million, Gaza: 1,5 million). Almost 60% of the population is younger than 19. Unemployment is at 35%, and close to 50% of the population lives below the poverty line of US\$ 2 per day. Socio-economic development on the West Bank is severely hampered by the separation barrier (built on Palestinian territory, separating Palestinians from Palestinians, as well as cutting the West Bank off from Jerusalem), the check points and the restricted access to Israel and Jordan. Following the Israeli disengagement from Gaza, the freedom of movement within Gaza has been restored. Access from Gaza to Israel and the West Bank remains problematic. With the opening of the Rafah Crossing Point on 25 November 2005, the population of Gaza has obtained relatively unhindered access to Egypt.

The political situation in the Palestinian Territories remains – even after the Israeli disengagement from Gaza - dominated by, on the one hand, the Israeli occupation and, on the other hand, Palestinian state-building and the reform agenda. The launch of the EUPOL COPPS mission coincides with parliamentary elections both in Israel (28 March 2006) and in the Palestinian Territories (25 January 2006). The results of both elections could have considerable impact not only on the rather abstract ‘peace process’, but on the general political environment. It is hard to foresee who will win the elections in Israel. The composition of the Palestinian Legislative Council is expected to change dramatically, with the entry of Hamas and the departure of a substantial number of ‘Old Fatah’-members.

Both the Government of Israel and the Palestinian Authority – after the turbulent electoral period – will have to refocus on the peace process and re-engage on the Roadmap, while both will also have to improve the economic situation in their respective ‘areas of responsibility’. The Palestinian Authority will have to face the additional challenge of addressing the internal security situation in the West Bank and in Gaza, restore law and order, and seriously move forward in the ‘security sector reform’. The ‘reform agenda’ (particularly in the field of the judiciary, public administration and civil service reform and financial accountability) will equally need new impetus.

1.3 EU Joint SITCEN Risk Assessment

See Risk Assessment

1.4 The wider Security Sector

See Paragraph b (1) in Reference M

1.5 Criminal Justice System

The entire Criminal Justice System in the Palestinian Territories is yet another weak component in the Palestinian administration of justice.

Progress in the field of judiciary was hampered by an ongoing dispute between the Ministry of Justice and the High Judicial Council about the responsibilities of each of the institutions. In March 2005, the President nominated a Steering Committee for the Development of the Justice and Judiciary, which will identify needs for relevant legislation, re-organise the competences of the Ministry of Justice and the High Judicial Council and review the administration of courts and prosecution.

An amended ‘Judiciary Authority Law’ was promulgated mid-October. President Abu Mazen appointed a new Attorney-General.

A new Palestinian Penal Code and Criminal Procedural Law are under review in the Palestinian Legislative Council, but are not expected to pass any time soon. Criminal investigations suffer from the inability of the Palestinian Prosecution Service, the Palestinian Civil Police (and the Preventive Security Organisation) to collect and use forensic and technical evidence. The courts are not functioning properly, leading e.g. to a serious backlog of criminal cases pending in the courts and a very high number of pre-trial detentions. The overall number of criminal cases and prison inmates indicates presumably high level of

impunity in the Palestinian society. Many prisons were destroyed by the Israeli army during the second Intifada, and the conditions in the existing prisons and detention centres are extremely poor. The prison administration is part of the police service and there is no yet strategy or action to develop the service. Moreover the relevant Palestinian actors are not yet prepared to initiate discussions on the establishment of an independent prison service outside the security structures.

1.6 Palestinian Civil Police (PCP)

1.6.1 General

The PCP is organised into 14 Police Districts under the Director of Police who is based at Police Headquarters in Gaza. There are currently some 18,700 Civil Police - 12,100 are deployed in Gaza of whom 3,000 are Public Order Police and 6,600 are deployed in the West Bank, 1,000 of whom are Public Order Police.

Policing in Palestinian Territories presents two related challenges. One set is the result of Israeli military action over 5 years of the *intifada*, which has left large parts of the police's physical infrastructure (buildings, communications, equipment) destroyed, poor communication between units and an operating environment (particularly in the West Bank) where the PCP are constrained in patrolling the streets, driving marked police cars, wearing uniforms and carrying weapons.

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1.6.2 Recent Developments

The operating environment in Gaza and the West Bank remains problematic. Whilst the process of Israeli disengagement from Gaza proceeded relatively smoothly with a credible performance by the various security agencies, the security situation immediately post disengagement deteriorated with a clear challenge from armed groups to the PA. The situation has since improved marginally and stabilised.

Israel has withdrawn its settlers and Military Forces from Gaza but retains control of air space, territorial waters off Gaza and most land/border access and therefore controls the majority of movements into and out of Gaza.

However, on 25 November the PNA assumed its responsibility for the Rafah border crossing between the Gaza strip and Egypt with the EU acting as a third party in a monitoring role (EU Border Assistance Mission – EU BAM Rafah).

The PCP is perhaps better organized and equipped than the other agencies following the delivery of substantial quantities of vehicles, public order and communications equipment through EU COPPS which in partnership with the Ministry of Interior and PCP is implementing a comprehensive 3 year Palestinian Civil Police Development Programme (PCPDP)¹. The PCPDP is managed, by a Police Management Structure led by a Programme Steering Committee (PrSC). The PrSC comprises representatives of PA and EU COPPS. Its main function is to promote Palestinian ownership, transparency and involvement in coordination of the PCPDP, and has responsibility to approve projects, ensure availability of resources for projects, to be accountable for progress of the PCPDP and provide information to donors on progress. It has a Programme Trust Fund established within the Ministry of Finance Single Treasury Account at its disposal for funding of projects.

¹ The Palestinian Civil Police Development Programme 2005-2008 is the product of joint work between EUPOL COPPS and the PCP with a significant input from those within the PA with a professional interest in policing.

However, the PCP still lacks the necessary capacity to significantly contribute to the creation of a safe and secure environment for ordinary Palestinians. The overall situation underlines the need for solid and proactive support in ensuring optimal development of the ability of PCP to deliver an effective policing service.

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1.6.3 Current status of main projects (see reference E)

- Delivery and deployment of vehicles and public order equipment (almost complete)
- Jericho Training Centre refurbishment (complete February 2006)
- Explosive Ordnance Disposal (vehicles and garages complete)
- Delivery and distribution of additional public order equipment (1000 batons)
- Communication Infrastructure Improvement (complete December 2005)
- Prisons audit (complete)
- Change Management Team Training (planned December 2005)
- Police Conference Gaza (04/05 December 2005)

1.6.4 Current status of the Small Project Scheme (see reference E)

- Spare parts for radios;
- Office Equipment and software for administrations section;
- Handcuffs;

- Accessories for EOD vehicles;
- Jackets, gators and reflecting traffic wand for traffic police.

1.7 EU involvement in the area

The European Union plays a significant role in the Palestinian Territories. The EU – EC and MS – is, with an annual contribution of US\$ 400 million, the largest donor. The European Union is an active member of the Quartet and has engaged (either as (co-)chair or in other capacities) in several coordination forums, including in the field of reform (in particular in the field of judiciary and security).

1.7.1 EUSR

The mandate of the EUSR – adopted on 28 July 2005, extending his mandate until 28 February 2006 - was amended on 14 November 2005, adding to Art. 3 "to give guidance, as necessary, to the Police Head of Mission/Police Commissioner of the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS)".

The EUSR is based in Brussels, as are 3 of his advisers, but he and his team spend most of their time in the region (in particular Israel and the Palestinian Territories). Three of the EUSR's advisers are based in Jerusalem. One of the EUSR's advisers will double as political adviser to EUPOL COPPS until August 2006 to ensure liaison and coordination with the EUSR and EU BAM Rafah.

The focus of the EUSR has been very much issues related to the Roadmap, with a particular emphasis on security and institution building. Both EUPOL COPPS and EU BAM Rafah were set up under guidance of the EUSR. Other areas of attention are the Final Status Issues (in particular Jerusalem), coordination with the other members of the Quartet, as well as the US Security Coordinator and the Quartet Special Envoy for Disengagement, James Wolfensohn.

1.7.2 EU COPPS

The creation of EU COPPS reflects the European Union's "readiness to support the PA in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity" (Council Conclusions, 17-18 June 2004).

The role of EU COPPS is to provide support to the PCP for immediate operational priorities and longer-term transformational change on the basis of the PCPDP. In this framework, EU COPPS advises the Palestinian Chief of Police and his senior commanders, as well as the Minister of Interior and his staff; ensures liaison with stakeholders and co-ordinates and monitors international assistance.

EU COPPS has been established in full partnership with the PA. Since its inception, EU COPPS has closely co-ordinated with the US Security Co-ordinator General Ward. EU COPPS has worked in full transparency with Israeli Authorities. Where required, political consultations and technical co-ordination have been held, on a regular basis, with relevant Israeli interlocutors.

1.7.3 European Community Programme

The EC programme in the field of judiciary focuses on the following three components:

- institutional, with the support for the Supreme Judicial Council, the Constitutional Court and the Administrative Jurisdiction;
- professional, with training activities for the members of the Judicial System (judges, prosecutors and court administrators). A simultaneous development would be the planning and establishment of a Palestinian Judicial Studies Institute;
- provision of equipment required to carry out the tasks of the Judicial System.

In addition to this 2005 programme of 7 million Euro, running for 32 months, the EC is also

providing short term technical assistance to the Steering Committee for the Development of the Justice and Judiciary (encompassing notably representatives of the relevant PA Ministries such as Interior, Justice and Finance as well other professionals of the Judicial System), which aim is notably to define an overall strategy for the Judicial System. The technical assistance team required to assist in the implementation of the programme as scheduled to arrive in the region on 12 December 2005.

Further to the results of this short term technical assistance, the EC intends to look into the possibilities of support to the Prosecutors Service in the 2006 programme.

1.7.4 EU Member States

A total of 14 EU Member States are represented in the Palestinian Territories, either through Consulates-General in Jerusalem (Belgium, Spain, France, Greece, Italy, Sweden, United Kingdom) or Representative Offices in Ramallah (Austria, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Netherlands, Portugal).

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Several EU-MS are active donors in the field of judiciary, such as the Netherlands, Italy, France, Sweden and Denmark (the latter focus on support to NGOs). Netherlands and EC co-chair the Reform Support Group on Judiciary.

1.7.5 EU Border Assistance Mission

In the aftermath of the Israeli disengagement from Gaza, the EU was invited by the Government of Israel and the Palestinian Authority to assume the role of Third Party at the Rafah crossing point on the Gaza-Egypt border. An Exchange of Letters was signed on 24

November 2005, formally establishing the EU Border Assistance Mission (EU BAM Rafah). EU BAM Rafah is composed of +/- 70 monitors (experts in all fields of border management). It will have its headquarters in Gaza-city, a liaison office in Ramallah and accommodate its monitors in Rafah. EUBAM Rafah will actively monitor, verify and evaluate Palestinian performance; build up Palestinian capacity in all aspects of border management at Rafah; and contribute to liaison between the Palestinian, Israeli and Egyptian authorities on management of the Rafah Border-crossing.

1.8 Other IC activities

EUPOL COPPS: One non-EU-MS has funded the PCPDP (Norway). Several non-EU-MS are considering contributing to the PCPDP (US, South-Africa, Canada). Egypt has expressed interest in close cooperation with EUPOL COPPS.

Other donors to the Palestinian SSR are: United States (most notably through United States Security Coordinator and USAID (planned), Egypt, Russia and Turkey (equipment). Canada has seconded people to the United States Security Coordinator's mission, funds SAI (indirectly, through a Canadian organisation) and provides support to the Coastal Guard. Austria is seconded one staff member to United States Security Coordinator's Mission.

Several non-EU-MS are actively involved in the field of judiciary, most notably the United States, Japan and Canada.

2. Mission

2.1 Mission Statement

The aim of the Mission is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in co-operation with the European Commission's institution building programmes as well as other international efforts in the wider context of Security Sector including Criminal Justice Reform.

To this end EUPOL COPPS, will:

- Assist the PCP in implementation of the Police Development Programme by advising and closely mentoring the PCP, and specifically senior officials at District, Headquarters and Ministerial level;
- Co-ordinate and facilitate EU Member State assistance, and - where requested - international assistance to the PCP;
- Advise on police-related Criminal Justice Elements.

2.2 Duration

The mission will have a duration of three years. The operational phase of EUPOL COPPS will begin no later than 1 January 2006.

3. Council Guidance

3.1 Political objective

To assist the Palestinian Authority in complying with its Roadmap obligations, in particular with regard to security.

3.2 Mission Objectives

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3.3 Desired End State

Sufficient capacity to build a police organisation which is both transparent and accountable with a clearly defined role, operating within a sound legal framework in accordance with international standards, capable of delivering an effective and robust policing service responsive to the needs of society and able to effectively manage its human and physical resources.

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5.4 Legal Aspects

- Taking into account the concrete needs for the deployment of the Mission, the necessary arrangements will be put in place, including where required through agreements, on the basis of the approved model SOMA², with the PA as well as with the Israeli Government, in order to establish the status of the Mission and of its personnel.
- In order for EUPOL COPPS Mission personnel to perform their tasks, EU experts must have unimpeded access to the PCP chain of command, including premises, relevant documents and information related to the activities of the police organisation;
- Appropriate implementation arrangements may be concluded by the PolHoM with the concerned Palestinian authorities to ensure support to the Mission activities;
- Arrangements with UN, and other international partners, where appropriate, may be concluded covering aspects of the implementation of the Mission.

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² Model Agreement on the status of the European Union Civilian Crisis Management Mission in a Host State (SOMA)
(document 10564/05)

5.6 Press and Public Information

- The strategic framework for public information activities for EUPOL COPPS will be defined in accordance with the principles outlined in the relevant instruments and will aim at enhancing perception of the objectives and strengthening the role of EUPOL COPPS³.
- An appropriate and carefully tuned information strategy will be essential for the success of the Mission. It will have the difficult task to address three different publics: the Palestinian audience, the Israeli audience and the International Community.(See Annex F)

³ "Guidelines for ESDP Crisis Response Information Activities"(doc. 13817/02) "Information activities in the area of ESDP-principles and tasks ahead(doc.12424/02)

5.7 Standard Operating Procedures (SOP)

See Annex D

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6. Administration and Finance

6.1 Concept of Logistics

- Logistic support will be carried out in the most cost-effective and timely manner and will include the local resources. Details will be dealt with in Annex I.
- The PolHoM will be provided with the necessary financial resources in a timely manner and will be responsible for the financial aspects of EUPOL COPPS in accordance with the European Community rules and procedures applicable to the budget.
- Contributing Member States will deploy and re-deploy their personnel individually and shall bear the costs related to the police officers seconded by it, including salaries, housing allowance, medical coverage and travel expenses to and from the Area of Operations, except per diem, which will be paid out of the EUPOL COPPS budget.

6.2 Procurement

- Procurement of supplies, services and works for the mission is based on tender procedures and submitted to the principles of transparency, proportionality, equal treatment of potential contractors and non-discrimination.
- The legal framework is provided by Council Regulations.
- Although the mission set-up has the benefit of the use of negotiated procedures, standard competitive procedure will be the normal way through which the Mission cover its necessities.
- On completion of the Mission, the ownership and use of equipment and materials directly financed by the European Communities shall be determined by joint agreement between the PolHoM and the Commission, including transfer to a third party beneficiary.

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6.5 Finance

In the performance of the tasks assigned by the Joint Action to the PolHoM and the terms, with regard to the financial and budgetary implementing provisions as agreed within his contract, he will be responsible, under the Commission's supervision, for managing the funds granted, as laid down in the budget, in accordance with the Financial Regulations applicable to the General Budget of the European Communities and its Implementing Rules.

The estimated budget transferred to the PolHoM will be handled in strict accordance with the principles of sound financial management. To that end, he will respect the principles of legality, regularity, effectiveness, efficiency and economy and will establish management and internal control systems complying with the standards set by the Commission.

Within his services, the PolHoM continues to be responsible for the effectiveness of the internal management and control systems put in place and for the choice of his team responsible for the financial operations.

Financial reporting will follow the procedures set out in Article 13 of the Joint Action.

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Annexes

- A Local Police Organisation
- B Mission Organisation
- C Programme Management Structure
- D Standard Operating Procedures (SOP)
- E Safety and Security Plan
- F Visits and Media Relations
- G Reporting Procedures
- H Information Exchange
- I Logistics
- J Personnel
- K Health and Medical Assistance
- L Communication and Information System (CIS)

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