



AMAN
Transparency Palestine



13th Annual Report

The State of Integrity and Combating Corruption in Palestine 2020

Executive summary



"Decline in Participation and Transparency ... **Weakened the Integrity of Governance**"

AMAN
Transparency Palestine



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For the 13th consecutive year, the Coalition for Integrity and Accountability (AMAN) continues to prepare its annual report on the developments of integrity and anti-corruption efforts in Palestine. The report monitors positive developments, challenges and prevailing forms of corruption, as well as follows up on the state of criminalizing and prosecuting the corrupt. In addition, it monitors official anti-corruption efforts exerted during the year while taking into account the surrounding environment and its implications on those efforts.

The report also follows-up on governance in the management of public funds, and in particular, transparency during the preparation, approval and implementation of the public budget, including revenues and expenditures.

The preparation of this report relies on a scientific methodology of collecting relevant data from the various and available sources, results of the integrity index conducted by AMAN every two years, and results of AMAN's Annual Public Opinion Poll on citizens' impressions in a number of related areas. It also relies on results of an index that is specifically developed for the security sector with a wide range of indicators on integrity and anti-corruption efforts, and is prepared by the Civil Forum for the Promotion of Good Governance in the Security Sector.

The report aims to provide specific recommendations to Palestinian decision-makers and related parties to help them adopt measures and procedures that strengthen the national integrity system and fortify its immunity against corruption. It also aims to raise awareness and increase CSOs engagement in anti-corruption efforts, which will in turn ward off risks of corruption and hence protect public funds and its managing institutions. AMAN firmly believes that building effective institutions free of corruption is in the interest of the Palestinian people who are suffering under Israeli occupation. It also realizes that promoting integrity and anti-corruption efforts do not conflict with the Palestinian national project, which seeks to end the Israeli occupation and achieve self-determination including the return of all Palestinian refugees, as stated in UN resolutions on Palestine. Needless to say that success in this area will enhance citizens' confidence in the leadership and in government institutions and their readiness to bear the burdens resulting from this major challenge.

AMAN is committed to serving the Palestinian national project, which aims to end the occupation and gain self-determination by the establishment of an independent, democratic and corruption-free Palestinian state in the West Bank and Gaza Strip with Jerusalem as its capital.

AMAN is committed to providing accurate and precise information obtained from reliable sources, and is willing to review and correct any error if backed with data.

However, according to results of our monitoring of the general environment surrounding anti-corruption efforts, 2020 was a continuation of the year before in terms of the escalation of public frustration, lack of hope and lack of confidence in official institutions. These negative views were further exasperated by the spread of the coronavirus, which exposed the inadequacy and lack of readiness of state institutions in dealing with this

crisis, which affected the health sector extensively throughout the year. Moreover, the poor handling of the pandemic crisis had an economic impact on most production sectors and community groups. In addition, the anti-corruption efforts were also impacted at the political level, where all of the above coincided with the Israeli government's policies to annex additional parts of Palestinian land occupied in 1967, which led to a deadlock of reaching a political settlement.

Article 3, Paragraph 5 of the Council of Ministers decision No. 7 of 2020 on the State of Emergency stipulated: “any individual associated with the law enforcement agencies who abuses his/her powers to achieve illegal gains shall be sentenced up to one year of imprisonment and dismissal from duty.”

Furthermore, the Israeli occupation forces increased their repressive policies and measures. Examples include, colonies continued to expand on Palestinian confiscated land, house demolitions continued, and Jewishization of Palestinian cities such as Jerusalem went on relentlessly by increasing the number of Israeli Jewish residents in order to outnumber the Palestinian citizens. At the same time, Palestinian citizens were also dealing with difficult economic conditions, mainly due to the irregular payment of salaries to public sector employees who constitute a large segment of the Palestinian society. Add to this, the on-going internal division, decline in the democratic process as a result of dissolving the Palestinian Legislative Council (PLC), and the interventions in judicial affairs by the executive branch. All of the abovementioned reinforced the “single handed approach” in decisions concerning the nation hence deepening the crisis of governance.

The spread of the coronavirus pandemic (Covid-19) revealed the PA's weak capability in dealing with natural disasters and or health crisis. This was verified by the absence of a legal framework for regulating crisis, the failure to prepare a national plan and the failure to complete the structure of the national disaster center all proved the lack of preparedness and fragility of governance of the State of Palestine.

It also showed the weakness of the integrity of the government, and the fragility of the measures, actions and decisions taken by the government in the public interest. Some of these decisions, it was revealed, were clearly taken to serve the interests of certain individuals and not for the common good. In addition, there was a noticeable decline in the anti-corruption efforts as well as in the governance program on the management and rationalization of public funds and other financial reforms stated the national policy agenda 2017-2022.

Main conclusions for 2020:

First: Positive developments in the integrity system in 2020

Despite the unfavorable anti-corruption environment mentioned, anti-corruption efforts to strengthen the national integrity system against corruption continued, such as:

Transparency

- The decision of the Council of Ministers approval of the job formation list for 2020 taken in its 73rd Council meeting, which was held on September 7, 2020 was published.
- Improvement in transparency in public services in regard to the management of the “Corona pandemic” in Palestine, including: daily announcements of the number of individuals who contracted, recovered and died from the virus were reported. The public was also informed of the: available medical materials, coronavirus tests and the number of possible samples to be achieved; the number of available ventilators etc., in addition to the ensuing daily press briefing by the government spokesman to put citizens in the picture of the latest developments. In addition, the prime minister held several press conferences to update information to citizens on the financial situation and salaries of public officials.

- The general directorate of complaints in the Council of Ministers office published at the end of 2020 the annual complaints report in government departments, which covers complaints for 2019. The report illustrated the total number of complaints received, addressed and processed, and those deferred for the following year.

Promoting integrity in public facilities

- The issuance of the Decree-Law No. 32 of 2020 regarding the participation of public officials on the boards of directors of institutions. This decision is considered a step that will contribute to the promotion of integrity and is in line with the requirements of good governance practices. In addition, the law will help to deter the misuse of rewards by public officials (i.e., prevent opportunities for decision makers to abuse their power by assigning some employees or denying others the chance to serve on the boards of directors of institutions).
- Issuance of the Council of Ministers decision No. 46, taken during its meeting on 9/3/2020, to form a permanent technical committee assigned to lease, authorize and invest in government land.
- Decisions issued that reflect the government's intentions to enhance integrity in governance:
 - The Council of Ministers decision No. 73, taken in its meeting on 7/9/2020, to form a committee to draft a decree-law on franchising and antitrust.
 - The Council of Ministers decision No. 61, taken in its meeting on 7/9/2020, to form a committee to govern non-ministerial institutions, as a declaration of the government's antitrust intent.
 - The decision to implement a state of emergency situation in which law enforcement officials were warned of abusing his/her powers for illicit gains, and that violators will face imprisonment for up to one year and dismissal from service.
 - Distribution of the Public Code of Conduct to members of the Palestinian Security Forces and to conduct training on the implementation of its provisions in partnership with NGOs.

Implementation of the General Procurement Law:

- Increase in the use of the unified public purchase portal website (shiraa.gov.ps) including publishing of purchases' processes. In this regard, the number of public institutions with an account on the portal reached approximately 136 bodies who use this portal to announce their bids. This achievement was due to the Council of Ministers decision issued on 6/2019 obliging all ministries, government institutions and municipalities classified (A) to use this portal.
- The publication of six standard forms for contracts and tenders from a total of 10 approved and adopted by the Council of Ministers.

Improved integrity, transparency and accountability in LGUs:

- Several social accountability sessions and consultations with CSOs were held with positive responses by many LGUs councils who attended these sessions.
- The majority of LGUs showed improvement in providing citizens access to information.

Governance in the private sector:

- The Capital Market Authority (CMA) issued a decision obliging listed companies to review their disclosure for the first and third quarters by an external auditor. It also stated that it is mandatory to use the electronic disclosure for all financial and other information disclosure, in both the Arabic and English languages, as illustrated by the form adopted by the Palestine Stock Exchange (PSE). Moreover, the amendment required companies with cumulative losses of more than 20% of their capital to attach a detailed analysis of the losses by showing the following: amount lost and ratio to the capital, main reasons for these losses dates, and planned procedures for addressing the issue. This allows the stock exchange to add distinctive marks on the trading screen next to names of companies to differentiate the losses by color schemes. For example, companies with losses of 20% to 50% will have the color yellow next to their names, while those whose losses accounted for more than 50% will be distinguished with the color red. This will enhance investors' ability to make investment decisions based on a more accurate and transparent information.
- The (CMA) approved its five-year strategy (2021-2025) that aims to develop ways to protect the rights of users of non-bank financial services, enforce market discipline and protect the rights of consumers in sectors under the authority's supervision.
- Strengthening and coordinating the role of a number of CSOs interested in community accountability, human rights and the rule of law, such as those forums, community groups and committees that have been formed. Also there is a number of NGOs in the (WB&GS) who have illustrated a significant commitment to basic internal accountability procedures and mechanisms such as: holding general assembly meetings, approving financial and administrative reports and holding periodic elections for their governing bodies.
- Despite restrictions that accompanied the outbreak of the coronavirus, many NGOs, research centers and universities have developed mechanisms for distant discussions and accountability through modern technology and social media means such as Facebook, Zoom, and Teams.
- Positive developments were witnessed in 2020 in the role media and media means, especially in regards to publishing a number of reports and conducting investigations in various fields. In addition, results of social accountability sessions were also published, such as those held by local communities on the government performance and decisions. These sessions were carried out via television and radio programs that addressed public affairs issues by hosting government officials, NGO representatives and experts.

The Anti-Corruption Commission (ACC) refers corruption files for the second consecutive year

- The high number of corruption files referred from the ACC to the public prosecutor's office for the second consecutive year is due to two main factors: the increased citizens' expectations of a more effective policy than before, and the Commission's openness to the public symbolized by its policies that aim to encourage reporting through all means including on-line reporting. This was reflected in the number of complaints and reports received in a single year since the establishment of the ACC in 2005, which amounted to 1,115 complaints.

Second: Challenges hindering anti-corruption

At the policy level

- Poor integrity of governance due to the ineffective role of public institutions in decision-making; centralized policy making (i.e., decisions are concentrated in the hands of few individuals); weak rule of law; decline of public confidence in the role and integrity of the judiciary, all of which affected the integrity in governance.

The spread of the Corona pandemic, the poor state of preparedness for the risks of natural or health disasters, the absence of a specific regulating law during the state of emergency, the absence of a national plan and failure to activate the national disaster center exposed the lack of readiness of the State of Palestine and the poor integrity of governance. It also showed the fragility of measures and procedures taken by the government to shield state institutions from corruption.

- In 2020, the office of the presidency was pressured into withdrawing some previously issued decree-laws such as (Amendment of the Retirement Law, salaries and bonuses of ministers). This was achieved after it became clear that “these laws were not in the public’s interest, but in the interest and benefit of a group of individuals only”. And although this withdrawal was intended to restore confidence in governance, it did the opposite. As a result, the public became less trusting of the system as it was proven to them that the governance environment and the decision-making mechanisms in a non-institutional manner allowed some individuals or influential people to adapt and employ power and decisions to their advantage in addition to obtaining undeserved privileges by legalizing it and exploiting their close relationship to decision makers.
- The Council of Ministers under the government of Dr. Mohammed Shtayyeh continues to publish only titles of its decisions without details on an electronic platform setup for this purpose. Moreover, archives of past governments decisions also have not been republished.
- The lack of accurate public information published, especially on decisions taken by the Council of Ministers, and the ambiguity of the debate on draft laws during the Council’s sessions, in addition to the poor transparency surrounding decisions and actions of some government officials led to the widening of the gap between officials and citizens, stir up rumors and escalate a sharp criticism surge in the media and social media means.
- Same as previous governments, the present 18th government believes that the task of building an integrity system and combating corruption, as well as developing plans and supervising implementations is the sole responsibility of the ACC. Although it is to be said that this government has carried out sporadic activities in combating corruption, contrary to the government’s policy in the cross-sector plans.
- Appointments and promotions in the public sector continued to take place despite the President’s decision to stop it as part of the rationalization and austerity plan on public expenditures. In this regard, appointments to senior and special posts continued without respecting the principle of equal opportunities, or announcements for job vacancies. In addition, no competitions were held or an official oversight party assigned to ensure that the integrity and transparency of the recruitment procedures were implemented, in both of the (WB&GS).

- A comprehensive review of the 2017-2022 Public Finance Management Strategy showed that the implementation was incomplete. In other words, the above strategy has not been implemented as planned where after four years of the onset of the strategy nearly half of the actions stated in it have not been fully implemented.
- The continued absence of a clear policy regarding the cessation of financial leakage, and methods of dealing with the consequences of this phenomenon led to the depletion of funds of the public treasury on an annual basis. This absence also limited the PA's ability to respond to changes and developments in the areas of tax evasion and customs smuggling.
- Continued weakness in following-up on Palestinian financial audit with Israel. This provided opportunities for a number of brokers, including Israeli generals and officials of the civil administration, to loot and steal Palestinian public funds. This was done by taking advantage of the lack of transparency and lack of knowledge of the PA of their own rights and of the accurate amounts deducted by the Israeli side for the electricity, water and sanitation debts.
- Local elections in the GS continue to be disrupted in LGUs hence work is conducted by appointments, which negatively affected the democratic process and the legitimacy of local councils. It also affected the right of citizens to hold these bodies accountable, particularly with regard to service delivery procedures.
- Results of the LGUs transparency index showed that most local bodies, especially small ones, do not have an approved policy concerning publishing and disclosure. In this regard, the majority of LGUs do not rely on standardized systems to provide information and data... Their ability to provide information and data varies according to their size, staff capabilities, and degree of awareness and commitment of officials to the principles of transparency.

Disaster risk responses

- During the first period of the corona pandemic, Prime Minister and head of government Dr. Mo-hammad Shtayyeh, and the government media spokesman held press conferences and daily press briefing respectively. All was carried out in the presence of ministers and officials of the Ministry of Health to respond to journalists' inquiries. However, this form of accountability ceased where the Prime Minister announces the proceedings without providing answers to journalists' questions on the various issues regarding governance and, in particular, the management of the corona pandemic and its effects on the economy.
- In the absence of an official and approved system for disaster management and response in Palestine, and failure to specify the terms of reference and role of each party in managing the disaster, a number of accredited bodies sprung up to collect and distribute humanitarian assistance to those in need and or affected by the pandemic. However, the official authority who should manage the aid process is the (Institutional Regulator for the Management of the Humanitarian File).

At the legislations level

- Failure to pass the Access to Information Law and the National Archives Law despite repeated promises by successive governments to pass these two legislations. Neither did the government approve the classification system that defines mechanisms for dealing with public information and documents.

- In 2020, the government failed to fulfill its promise of developing a compulsory, comprehensive and equitable health insurance system. This consumed most of the money that was allocated to the health sector in the service and payment of the deficit bills in the health insurance fund budget on the one hand, and on the other hand, it was at the expense of the development needs of government health institutions and hospitals. Moreover, it weakened the health sector's ability to cope with the covid-19 pandemic.
- Failure to give priority to the health care system and its development in order to correspond to the rate of normal growth of demand for health care services weakened the system' response and provision of effective health services in the face of the Corona pandemic.
- Despite the important developments that accompanied the reform process in the security sector, one of which is controlling purchases and financial spending, there remains a weakness in some areas of the legal system governing this sector, such as: failure to approve a specific financial system, as well as failure to approve a system that defines sensitive security purchases provided for in the Decree-Law No. 8 of 2014 on public procurement. Moreover, the majority of executive regulations of the laws governing the security services relating to appointments and promotions have not been completed, in addition to neglecting the completion of legislations on the prosecution of security personnel.
- Although the Council of Ministers did issue a system on accepting gifts while in a public service jobs, this system did not provide clear instructions on referring violators of its provisions to administrative accountability or, to the ACC if the gift was in cash or he/she did not disclose of the gift received.

At the management of public funds level

- Although the government and the Ministry of Finance (MoF) did publish the emergency budget and its draft law in the official newspaper, no details were included. This prevented the possibility of analyzing the economic and financial foundations and standards by which spending ceilings and priorities were based on.
- The MoF continues to be non-committed to the issuance of the final account within the legal time limit (i.e., to be issued within a maximum of one year of the fiscal year that ended).
- Despite calls by officials, the Civil Society Team for Budget Transparency (Civil Team) has not been able to monitor any financial data on the budget managed by the existing authority in the GS. This hindered the work of specialists from the Civil Team, NGOs and researchers in analyzing and providing recommendations on the data and specifically on the estimated revenue data for 2020.
- The National Anti-Money Laundering Committee's strategy remains without an action plan, which limits the PA's ability to combat money laundering within the various financial and or real estate companies. In addition, the Committee refuses to cooperate with NGOs and researchers.
- The anti- money laundering efforts in Palestine remain muddled due to the secrecy surrounding the work of the National Anti-Money Laundering Committee. In this regard, one is unable to find published information or significant reports, data or statistics on the extent of the spread of this crime and or amounts of money received as a result. Also, nothing has been published concerning follow-up on the "national risk assessment report for money laundering and terrorist financing offences", which is submitted to the prime minister through the formal channels.

- The government continues to refrain from disclosing and publishing documents of the Eastern Mediterranean Gas Forum that was officially announced in 2020 as a regional organization whose members include Egypt, Israel, Greece, Cyprus, Italy, Jordan and Palestine. It is worthy to note that the Council of Ministers gave its approval, during its 76th session, held on 28 September 2020, of the documents under which the State of Palestine joined the amended charter of the abovementioned forum. As of today, no official statement has been issued by the Palestinian government, the Investment Fund or the Energy and Natural Resources Authority in this regard. This is in addition to the non-publication of relevant information on the nature of the Palestinian side's participation in the forum, their rights to the Mediterranean gas and the subsequent obligations stated in the signed agreements. This ambiguity also applies to the agreements and understandings reached in the electricity sector between the Palestinian side and the Israeli occupation.
- Despite developments that occurred to the public procurement system, some challenges continue to face the High Council for Public Procurement Policies. For example, ambiguity surrounds the relationship between the Council and the General Secretariat of the Council of Ministers in regard to exceptions made for direct purchases, especially those cases that fall within the scope of article 28 of Decree-Law No. 8 of 2014 on public procurement. In this regard, the Government issued a number of decisions concerning direct purchases without providing any details to justify those decisions or informing the High Council, in its capacity as the official body in charge of following up on tenders.
- In the GS, improvements in some public procurement procedures did occur in 2020. However, public procurement continues to rely on the General Procurement Law and the General Supplies Law that are outdated and lacking of some standards and rules necessary to enhance integrity in public procurement.
- Some of the security agencies and military directorates that are subject to the control of the State Audit and Administrative Control Bureau (SAACB), continue to refuse compliance with the recommendations of the Bureau. Some of these bodies include: the Military Medical Services department, the Military Intelligence agency, the National Military Retirees Authority, the Regulation and Management Commission, and the Central Financial Administration.

At the level of accountability

- The government complaints management process is still traditional in terms of style and content. Presently, the report is void of any substantial information and resembles a statistical report as it gives no details of methods followed in addressing complaints, or complainants' satisfactions with solutions by which their complaints were dealt with. The reports also do not specify "lessons learned" in order to avoid recurrences of certain complaints in public institutions. This type of management defeats the purpose of having a government unified system for complaints, which is designed to facilitate the process of monitoring complaints as well as their management by the different institutions and to benefit from their conclusions. The real assessment of complaints lies in the extent to which citizens' complaints are seriously being addressed, and not about providing numbers of those addressed and those closed.
- Continued Failure to form the Palestinian Telecommunications Regulatory Authority despite the approval of its specific law in 2009. This setback has affected the accountability for telecommunications companies, as well as the effectiveness of ensuring fair competition among service providers. In addition, it weakened oversight, accountability and auditing mechanisms for companies. It also

contradicted good governance rules as applied and approved by international standards and experiences.

- Although two-thirds of the parties that were subjected to the SAACB oversight mechanism and received evaluation reports responded to the Bureau within the legal period (30 days) specified by the Financial and Administrative Control Bureau Law. While 16% of the total number did not respond to its reports, and 14% responded after the assigned legal time ended. And though these reports are within the framework of oversight, their interpretations, justifications and responses of institutions to the Bureau's inquiries are considered official accountability, which is defined by the Palestinian law.
- The screening and follow-up processes showed that the majority of institutions do not deal seriously and effectively with complaints and inquiries received through their social media means.
- Two years after the adoption of the "strategy to combat money laundering and terrorist financing", the National Anti-Money Laundering Commission does not in turn supervise and monitor the work of the Financial Follow-up Unit effectively.

At the level of enhancing integrity

- In the Gaza Strip, the corona pandemic exposed the absence of an accurate and approved database that can assist decision-makers in responding quickly, accurately while optimally utilizing resources. Moreover, integrity and anti-corruption were not included as key parts of the plans approved by the government follow-up committee. Neither did the plan include directions to implement activities in accordance with the "emergency humanitarian assistance distribution manual", which includes a set of standards of conduct for employees and beneficiaries. Also there is poor stakeholder engagement, such as citizens, experts and NGOs, in the process of developing plans for the management and distribution of humanitarian assistance.
- The controversy over the state of integrity and the independence of the judiciary continued in 2020, especially in relation to: the work of the transitional Higher Judicial Council, the lack of clarity concerning the fate of the judicial reform plan assigned to the Council, and the intervention attempts made by some influential PA figures in the work of the judiciary. In regard to judicial affairs, many of the CSO find that forming a transitional council by the executive authority is an interference in its independence.
- Results of the 2020 AMAN poll show that three quarters of the population in the WB (76 percent) believe that corruption exists in the judiciary.

Recommendations

There is no doubt that addressing the challenges referred to in this report enhances the integrity of governance which will correct the imbalance resulting from the lack of separation of powers, as stated in the Basic Law. In addition, implementation of the code of conduct and development of the accountability systems in public bodies will ensure an effective application of the integrity and transparency principles in these institutions.

Moreover, President Mahmoud Abbas, in the beginning of 2021 issued a decree-law setting the date for the general elections. This step is considered a contribution to the rebalancing of the Palestinian political system and a beginning for ending the internal division. It is also a positive action that can contribute to joining Palestinian efforts to support a unified and comprehensive national strategy to address the critical threats facing the Palestinian people and their national project. Furthermore, holding general elections will also contribute to the development of the anti-corruption strategy and its oversight and follow-up mechanisms.

Recommendations for the government to take into account:

First: at the level of policies

- The government must establish a permanent and comprehensive system for managing and coping with disasters in Palestine. The system must contain methods of management for all stage during disasters by encompassing clear plans and actions to be taken when responding to emergencies and disasters including identifying duties and responsibilities of each party and follow up mechanisms. This is especially needed concerning the collection and distribution of social assistance and to ensure that the Ministry of Social Development to be body in charge of this task in partnership with the relevant parties (governorates, LGUs, emergency committees etc.). It is also necessary to adopt a partnership approach with the private sector, CSO and local authorities to ensure protection of citizens as much as possible, and to be able to conduct the country's affairs safely under exceptional circumstances.
- The government must establish open channels and doable mechanisms with CSOs engaging their representatives in the development of public decisions.
- The government must ensure follow-up on the implementation of the 2017-2022 national policy agenda with focus on public fund management and expenditure rationalization as well as publish the sectoral and cross-sectoral plans approved by the Council of Ministers in 2020. In all cases, it is of the utmost importance that the transparency principles and strengthening of the accountability systems, mentioned in the ninth and tenth policies of the agenda be maintained.
- The government must adopt the national cross-sectoral anti-corruption plan according to the mechanisms used in the adoption of strategies by the Council of Ministers, same as any other cross-sectoral strategy. The government must also take charge to effectively implement and supervise the work in order to build a strong integrity system that resists and combats corruption. And since this is implemented across sectors (i.e., involves large segments of society and institutions), it will serve to diminish the belief that the anti-corruption file is solely the responsibility of the ACC, which will ensure the implementation of the government's directions as outlined in the national policy agenda.

- The government must take the initiative to define its policy and provide instructions on administrative files classification. This entails defining confidential information from that which is public and hence must be published on their websites.
- The government must accelerate the completion of tools and procedures needed for the e-government to function.
- The government must adopt a mechanism for auditing electricity, water and medical transfers' debt with the Israeli side, and to only deal with official Israeli governmental parties in this regard.
- AMAN reaffirms its earlier recommendations on the importance of adherence to the rationalization and austerity plan on public spending. And to execute it while taking into account the equitable distribution of burdens and limited resources. The government should also give priority to the health sector and programs supporting the poor, the marginalized and needy groups.
- The government must suspend all public appointments (civil and security) in the public sector, and to limit it to the absolutely necessary cases where certain needs impose themselves. It should also ensure that competition procedures for job vacancies are applied by establishing a (quality control committee) to monitor the integrity of the public appointment process to avoid appointing officials who are not appropriate in terms of their competence and merit for these positions.
- The government must adopt a firm and binding policy to prevent politicization of the public service. In addition, it should activate the role of oversight bodies, including the SAACB, to hold accountable any official who uses his/her position for factional or political purposes or to settle personal accounts.

The Ministry of Finance must commit to:

- » Fulfilling its commitment to the 2017-2022 Public Fund Management Strategy concerning integrity, transparency and accountability in the management of public funds.
- » Completing the preparation and publication of the final accounts for the 2016-2019 financial years in accordance with the law.
- » Publishing the full and detailed data on public debt.
- » Addressing gaps and paths leading to financial leakage to stop the financial exploitation in the economic and financial relationship with the Israeli side.
- » The MoF must be obliged to pay the debts to the Public Pension Fund by closing the settlement files between them, and to take binding measures not to compromise staff retirement funds. In addition, the MoF must commit to paying the monthly contributions and fees on a regular basis, as well as to refrain from controlling the Fund's money and investments.
- » The MoF must review the Palestinian tax system to contribute to fairness in taxes and achieve social justice for citizens.
- The existing authority in the GS is required to disclose financial statements related to the management of public funds.
- The existing authority in the GS must change its policy concerning appointments to local councils and allow citizens to choose their representatives by holding elections in LGUs there.

- The government must review the retirement system for political office holders in order to correct the injustice and inequality concerning the rights of workers in the public sector, in addition to the huge financial burden it imposes on the public treasury. This review will also be in line with international directives towards abandoning this system and replacing it with other mechanisms to guarantee the financial rights of political office holders, where an end-of-service bonus, or a lump sum is granted for a transitional and specified period of time.
- Suspension of the presidential retirement grants for those who hold legal jobs for heads of public institutions or judicial positions. To also stop the pension grants that violate the general rules of public retirement, since they impose additional financial burdens on the Pension Fund and the public treasury.

Second: at the legislation level:

- Issue a specific law to regulate the work of the Palestine Investment Fund (PIF) given that it is a sovereign body, as stated in the Basic Law.
- Approve the General Petroleum Authority Law, as recommended previously by AMAN.
- Adopt the Right to access to Information Law, which entails provisions that clarify duties of officials and public employees in providing public information to citizens.
- Approve the National Archives Law.
- Accelerate the issuance of the Franchising and Antitrust Law.
- Issue a system that allows public employees to serve on the boards of public institutions, NGOs and companies to which the government contributes, as stated in the Decree-Law No. 32 of 2020.
- Adopt a law for appointing governors that defines the terms of their appointment based on competence and experience, clarifies their tasks, defines limits of their powers and provides accountability mechanisms.
- Develop and issue a compulsory, comprehensive and equitable health insurance system for all citizens (Symbiosis system) that takes into account the poor and marginalized people in the society.
- Issue a system that defines sensitive security purchases as stipulated in the Decree-Law No. 8 of 2014 on public procurement.
- Approve a specific financial system for the security institutions; ensure publication of the special financial regulations issued by the Prime Minister.
- Issue the executive regulations included in the Security Forces Service Law in order to implement controls and conditions relating to appointments and promotions in the security sector. This will preserve a balance between the number of officers and the number of soldiers in the security services.
- Develop a "Gift acceptance System" in public service, ensuring that the system differentiates clearly between what is permissible as gifts and what is absolutely unacceptable. The system should also specify the acceptable ceiling for the in-kind gifts, where any gift that exceeds the specified ceiling would be considered, as a cash gift, and hence must be rejected. And to be extremely strict if the gift is given to a senior employee or those hired through special contracts. Any violators of this system must be referred to the ACC, noting that disclosure of gifts is a must.

- To issue a law on the restructuring of public institutions in Palestine to include cancelled public institutions, public institutions that have been merged with other similar public institutions or with ministries working in the same or similar field hence developing new institutions. In addition, public institutions whose legal status, in terms of subordination, must be identified and corrected to comply with the provisions of the Basic Law. This law should set a time limit for its implementation (e.g. two or three years) so that the reform procedures are binding, controlled and taken seriously. It is worth noting that the process requires a careful study of the organizational structure of the institution after the merger, by examining the structures of the newly created institutions.
- AMAN believes that the Anti-Corruption Commission should be granted discretion and the right to provide protection to anyone who reports corruption suspicions and is/was threatened or retaliated against as a result of reporting, even if he/she did/does not apply for formal protection. All should be done within the followed protocol.
- To consider corruption acts in the private sector (Public shareholding companies and companies that run public facilities) as crimes.
- Issue a special law for regulating popular and trade unions in order to strengthen their roles and to help them achieve their objectives.
- Pass a law on the development of administrative justice that would make the Supreme Court of Justice ruling divided into two degrees instead of one. This provides an opportunity for a review of the first-degree sentences by the second instance court, while emphasizing the importance of the administrative judiciary independence.

Third: at the level of procedures and measures

- The government must implement the conflict of interest system issued by the Council of Ministers by forming committees in ministries and public institutions and to ensure that the formation of these committees is known publically, and post a copy of the special conflict of interest document on the websites of ministries and public institutions.
- The government must publish all its decisions in full not only titles on the official website of the Council of Ministers; publish all legal, regulatory and financial documents voluntarily and provide the public with easy, short-and no-cost access to decisions, statistics and general contracts. However, it should only apply restrictions on personal issues and data, confidential trade secrets, secret foreign relations, and any information that harms the Palestinian national security.
- The government must finalize and commit to the implementation of the electronic archiving system in its ministries and institutions, as a proactive step necessary to pass the Right to Access Information Law.
- The Ministry of Education is urged to develop tools to deal with the digitization of education and distance learning. Also a system needs to be put in place to monitor the commitment of the faculty in carrying out their educational responsibilities according to the plans developed by the Ministry
- The government must disclose the amount of funds returned from the money granted to ministers and some heads of non-ministerial public bodies through illegally raised salaries and the rent allowance concessions that some of them received unjustly, in accordance with the President's decision demanding the return the abovementioned money.

- The government must disclose the full and accurate information, including the Palestinian rights and commitments related to documents of the Eastern Mediterranean Gas Forum in order to deter rumors.
- The government must call on CSOs to develop mechanisms for self-accountability to ensure that the code of conduct for NGOs is applied. It should also require them to develop adherence to the principles and rules of good governance at work to enhance citizens' confidence in their work.
- Institutionalize the idea and practice of documenting and publishing all data related to social assistance given to the poor through the "unified social assistance portal". This will avoid possible violations that might occur in this field.
- The government must inform the "higher public procurement council" regarding the direct purchase requests presented as exceptions, in its capacity as the official tender follow-up body for reviewing and scrutinizing exceptions of purchases, as stipulated in the Public Procurement Law. Also it should publish all tenders for public procurement on the unified public procurement portal.
- The government must develop a unified guideline for official reports issued by ministerial and non-ministerial institutions. The form should include a procedural guide and instruction form for writing reports and highlighting achievements and challenges that are needed for implementing their annual action plans. The form should also include slots for setting dates to publish their reports, and for follow-up procedures of subsequent challenges as they arise.
- The government must deal with the unified complaints system as a control mechanism through examining the extent by which citizens' complaints are addressed and taken seriously. The government must not settle for a statistical report on complaints detailing only the number of files addressed and those closed without illustrating methods used to study these files.
- Adopt a clear and comprehensive concept of accountability in public institutions by requiring periodic progress reports from the institution or ministry. Reports should be clear and informative by explaining decisions, policies, and willingness to assume responsibilities for these decisions. In addition, reports must illustrate the positive and negative aspects of the work, and the extent to which they succeed or fail in the implementation of their policies.
- Public institutions, ministries, NGO and companies that manage or provide public services such as electricity, water and telecommunications, etc. must publish their annual reports, which is in line with the principle of citizens' right to access reports on public services.
- The government must commit to the establishment of a Palestinian Telecommunications Regulatory Authority in compliance with the approved 2009 law, and to an effective control over companies that provide telecommunications services to citizens.
- The government must oblige the National Anti-Money Laundering Committee to carry out its duties of supervising and monitoring the work of the "Financial Follow-up Unit" and the publication of its reports. In addition, the government must also oblige the Unit and its director to cooperate with civil society organizations.
- The government should support the role of regulators such as the corporate controller and the CMA concerning the private sector companies that provide services to the public.
- The government must support recommendations put forth by the National Coalition for the Reform of the Judiciary, which call for respecting procedures followed on appointing the Head of the High

Judicial Council and other judicial positions. In addition, it is important for the government to differentiate between the presidency of the High Judicial Council as an administrative position, and the president of the Supreme Court as a judicial post. Also it is necessary to allow community membership in the Council and to promote integrity in the daily work of the Council and in the formation of its committees and units. And finally, it is equally important to repeal the subsequent legislation issued on the judiciary and NGOs.



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