



**AMAN**  
Transparency Palestine



Fifteenth Annual Report

**The State of Integrity and Combating  
Corruption in Palestine 2022**



**The occupation, division and political corruption  
are a vicious circle that feeds into each other**

**AMAN**  
Transparency Palestine



**The Coalition for Accountability and Integrity (AMAN)**

**Fifteenth Annual Report**

**on**

**The State of Integrity and Combating Corruption in Palestine**

**2022**

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Transparency Palestine



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The Coalition for Integrity and Accountability- AMAN

Al-Rimawi Building-1st floor-AlOersal St.

P.O.Box. 339, Ramallah

P.O.Box 69647, Jerusalem

Tel: +972-2-2989506or 972-2-2974949

Fax: 0972-2-2974948

Gaza: Haboush St., connected to Al-Shuhada' St.. Dream Building-3rd floor

Telefax: 972-2-8-2884766

Web: [www.aman-palestine.org](http://www.aman-palestine.org)



**AmanCoalition**

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The Coalition for Integrity and Accountability- AMAN has exerted all efforts to verify the information contained in this report, and hence bears no responsibility for the use of any of the information for purposes outside the context of the goals stated in this report once it's published.



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## Introduction:

For the 15th consecutive year, the Coalition for Integrity and Accountability (AMAN) continues to prepare its annual report on the developments occurring on the state of integrity and anti-corruption efforts in Palestine. It also displays official and community anti-corruption efforts and challenges related to the integrity of governance in the management of public funds and public affairs.

In addition, the report monitors policies and plans that include legislations, procedures, decisions and activities issued by officials. Moreover, the report highlights issues, institutions or cases of corruption that are of public interest, in order to highlight it to public opinion and place it on the agendas of officials.

In its preparation of this report, AMAN relies on a scientific methodology of collecting relevant data from the various available sources related to developments in Palestine concerning integrity, transparency and accountability in the Palestinian society in general and public institutions in particular. Furthermore, it also monitors actual changes of prosecuting cases of corruption suspicions and criminalization of the corrupt by the competent parties. The information and data are then analyzed by AMAN's work team along with participation of local experts before it is approved by AMAN's Board of Directors.

The report aims to provide specific recommendations to Palestinian decision-makers and other related parties to help them adopt measures and procedures that enhance integrity and combat corruption, hence enabling public institutions to avoid risks of corruption in its various forms. It also aims to

This report provides specific recommendations to decision-makers in order to adopt measures that include policies, plans, legislations and procedures to fortify State institutions against corruption in general and promote political integrity in particular.

empower and assist participants, anti-corruption advocates, activists and volunteers to engage in anti-corruption efforts, protection of public funds and in building effective and accountable institutions for the State of Palestine.

To intensify anti-corruption efforts, AMAN was and remains keen on involving civil society organization (CSO) in these efforts through building partnerships with as many as possible...two such examples are: The Civil Society Team for the Public Budget Transparency" and the Civil Forum for the Promotion of Good Governance in the Security Sector".

AMAN firmly believes that promoting integrity and anti-corruption efforts do not conflict with the Palestinian national project, which seeks to end the Israeli occupation, achieve self-determination and the right of return for the Palestinian people and to establish a democratic Palestinian state. On the contrary, AMAN realizes that the success of this goal is certain to strengthen citizens' confidence in the ruling authority and its executive, legislative and judicial institutions, hence deepening their willingness to bear the financial and other life burdens of this major challenge. Therefore, AMAN is determined to continue to release and publish this annual report.



## Methodology of the report

### (I) Monitoring and collecting relevant information

In preparing this report, AMAN relies on a scientific methodology of collecting relevant data from the various available sources related to developments at the level of integrity, transparency and accountability in the Palestinian society in general and public institutions in particular, in addition to monitoring changes in the state of corruption, including political corruption and efforts to combat it from multiple sources; most important of which are:

- Relevant information and data collected and documented during the year by the monitoring unit at AMAN's resource center, and in particular data, procedures and decisions included in reports issued by the Council of Ministers, ministries, the ACC, the Corruption Crimes Court (CCC) and Prosecution; the Palestinian Central Bureau of Statistics (PCBS); the State Audit and Administrative Control Bureau (SAACB); the Independent Commission for Human Rights (ICHR).
- Conclusions and recommendations of specific research reports and work-papers conducted by AMAN's various departments and units during the year; analysis results of actual cases received by AMAN's Advocacy and Legal Advice Center (ALAC) and responses received from the competent parties; conclusions of investigative reports prepared by AMAN in cooperation with media organizations and journalists.
- Main related conclusions reached by forums and networks in which AMAN and CSOs are joint partners.
- Confirmed cases revealed by journalistic investigative reports relating to integrity, transparency, accountability and combating corruption.
- Data and information recorded during in-person interviews with officials, as well as documented deliberations from workshops, conferences, debates and general discussions related to integrity and anti-corruption.
- Variables measured by a number of indicators used in specific indexes on integrity, transparency and accountability on the management of public affairs and funds.
- Data, analysis results, and conclusions of the Palestinian public opinion poll, conducted by AMAN, as well as results of opinion polls carried out during the year by Palestinian research and studies centers on the status of corruption and anti-corruption.

All of the above information is examined and verified by AMAN's work team in charge of the report.

AMAN is committed to obtaining information, data and documents from reliable sources and always ready and willing to review and evaluate new data upon emergence.

To prepare this report, AMAN contacted the majority of ministerial and non-ministerial public institutions to obtain information from its original sources on the most important developments and challenges faced by these bodies during the year, using specific indicators of integrity, transparency and accountability.



## (II) Information analysis

- Collected information is analyzed quantitatively and qualitatively by AMAN's analysis team.
- Outcomes of the analysis team meetings are documented in minutes specifically for the report.
- Based on the analysis results, the lead researcher is responsible for preparing the first draft of the report before presenting it to the analysis team for their review and feedback. This process is repeated numerous times before presenting its semi-final copy for review and input of the Advisor to AMAN's Board of Directors on Anti-Corruption Affairs, who was involved in the various preparation stages of the report.
- Experts knowledgeable in the Palestinian public institutions' work are called upon to discuss the semi-final draft of the report.
- Once the internal and external reviews of the report are completed, the report is presented by AMAN's executive director to the Board for approval.
- Finally, the report is edited to ensure that it is error-free and linguistically sound before it is printed and issued.

As a methodology for preparing this annual report, AMAN relies on monitoring and analyzing variables and information collected during the year before putting forth its recommendations.

## III: Definitions

For the purpose of this report, the phrases below are used to denote the following:

**Political System:** It is the sum of the parties or individuals that contribute to the decision-making of the official governing bodies within the state (i.e., legislative, executive and judiciary) and are entrusted to run the State institutions, formulate and implement public policies.

**Political Power:** It is the group, entity, individuals, or party that has the authority to manage public affairs and public funds.

**Political Corruption:** It is the wrongdoings resulting from the environment provided by the political system that allows senior officials to shun duties entrusted to them and hence abusing that power to achieve personal gains or escape punishment.

**Political Integrity:** It is when officials entrusted to manage public institutions and facilities adhere to controls, balances and democratic constitutional rules when taking decisions concerning public interest.

**Integrity:** It is when those entrusted to manage public funds and affairs adhere to the values of honesty, dependability and sincerity at work. It is also commitment to avoid conflict of interest, in addition to putting public interest first. In that regard, the most prominent indicators of integrity include the existence of an applied code of conduct in the institution, as well as available written manuals or systems, regulations on conflict of interest and disclosures, specific rules concerning gifts and disclosure regulations, as well as financial disclosure statements and a assets disclosure system.



**Transparency:** It is clarity of officials in the management of public affairs and funds in providing reliable information related to activities, procedures, decisions and policies (strategies, action plans and legislations). It is also ensuring that beneficiaries, the public and relevant official authorities have access to information. Transparency's most notable indicators include: ensuring citizens right access to information; providing clear written information concerning the institution's vision, objectives, programs etc. that are easily accessed by the public through publications and other means. It also includes holding open and publicly announced meetings; ensuring citizens' knowledge of the institution's activities and services, implementation policies and methods of obtaining these services.

**Accountability:** It is the duty of those entrusted with running public institutions to submit periodic reports on the work progress where their decisions and policies are clearly stated and easily understood. It is also about being willing to assume any responsibility that might arise concerning these decisions and policies. Accountability assurances include that institutions have a structure/ system in which all lower bodies are subject to the accountability and follow-up of higher bodies; hold their meetings periodically; carry out official inspection; have an active complaint systems and follow-up, in addition to adopting policies that encourage effective community accountability.



## First: The general environment in Palestine surrounding efforts to promote integrity and combat corruption in 2022

- **The Israeli occupation's non-transparent management of its financial relations with the Palestinian Ministry of Finance has confused the PA's management of its national resources**

Israel continued to implement its racial discrimination policy against the Palestinian people by seizing their vital and natural resources and exploiting their public resources, in addition to allowing Israeli colonizers to seize occupied Palestinian land hence severely hindering the possibility of building effective Palestinian institutions in the service of their people. Moreover, Israeli officers continue to be the sole authority to grant permits and approvals related to the movement and trade of Palestinians without any serious oversight of their actions, hence allowing for extortion and bribery to spread in obtaining basic rights related to movement, the building and utilization of public and privately-owned land.

Furthermore, the year 2022 was characterized by tension and confrontations with the Israeli occupation forces and settlers due to the escalation of the occupation's oppressive practices. This included the continuation of applying their racial discrimination "apartheid policy" and ethnic cleansing policy particularly in Jerusalem with intentions to Judaize the city. This is best exemplified by their pressuring and prosecuting Palestinians residents with the aim of emptying the neighborhoods of Jerusalem, especially Sheikh Jarrah and the town of Silwan. Also, house demolitions, under different excuses, and take-over of Palestinian homes in the old city continued, in addition to the recurrent incursions into al-Aqsa Mosque by settlers, which entails a hidden agenda to divide the time and space of the Mosque.

furthermore, the Israeli occupying forces launched a vicious military aggression against Palestinians in the West Bank and Gaza Strip (WB&GS) and more so against the cities of Jenin and Nablus, where the number of martyrs rose to more than two hundred martyrs.

The occupation forces also targeted Palestinian journalists while covering Israeli incursions into Palestinian cities and towns in the WB, one of which was the renowned journalist Shireen Abu Akleh who was killed by them on May 11, 2022 in cold blood while covering the events in the Jenin camp. These measures reinforced the Palestinian Authority's (PA) weakness in defending its citizens and institutions, including a number of civil society organizations (CSOs), which shut-down by Israeli military orders.

In 2022, Israeli piracy of Palestinian funds also continued, and in particular, refusal to be transparent when dealing with Palestinian revenues collected by them, since they have control over borders and crossings. This is addition to the amounts it deducts from these revenues in exchange for electricity, water and medical treatment bills



Israel's looting of Palestinian natural and financial resources; lack of transparency in its management of Palestinian funds which widened the PA's budget deficit

<sup>1</sup> See: Palestinian Central Bureau of Statistics, Situation of the Palestinians at the end of 2022. <https://www.pcbs.gov.ps/postar.aspx?lang=ar&ItemID=4396>



(i.e., without consulting the Palestinian side) where it was proven more than once that Palestinian money was actually stolen by Israelis.

- The Israeli government also continued to deduct part of funds (Al-Maqassa), ("clearing tax" collected at borders on behalf of the Palestinian people) under the excuse of the PA's continuing to pay salaries to families of martyrs and prisoners. In short, for the 4th consecutive year, approximately 50 million NIS per month have been stolen by the occupation authorities. Furthermore, the new Israeli government issued a decision at the beginning of 2023 to deduct approximately 139 million NIS under the pretext of compensating Israelis, based on an Israeli court order.
- Financial leakage resulting from the Israeli government's failure to pay some fees and taxes it collects on behalf of Palestinians, such as the departure tax paid by Palestinian citizens at the Karama crossing. This has affected the Palestinian agenda of reform and other objectives related to improving the management of public funds.
- The Israeli government's flooding of the Palestinian market with Israeli regular or expired goods and products increased customs evasion. This is in addition to the phenomenon of money laundering that is being led in the region by senior Israeli money changers in favor of Israeli political parties, especially religious parties, at the expense of the Palestinian interest.

The confusion caused by Israel on the public budget, the increase in the budget's deficit and the lack of transparency of revenues, provided an excuse for the PA and the Ministry of Finance (MoF) to delay issuance of the public budget on time or to verify the size and details of revenues, hence affecting transparency of the budget.

### • **The on-going internal division and decline governance in both the West Bank and the Gaza Strip have reinforced political corruption**

- **The continued state of division of the Palestinian National Authority within its three components, «the executive, the legislative, and the judicial authority» in both the West Bank and the Gaza Strip since the bloody conflict in the Gaza Strip in 2007; The «two governments» in the West Bank and Gaza Strip continued to take measures that deepened the division in order to serve the needs of the stability of the existing ruling authority in both the West Bank and Gaza Strip.**

The three branches (legislative, executive and judiciary) of the Palestinian Authority (PA) continues to be divided between the WB and the GS since the bloody struggle in the GS in 2007. Both governments in the WB and in the GS have been carrying out measures that continuously reinforce the division in pursuit of remaining in power, which also deepened the institutional separation in both areas. For example, The PA issued a decree amending the Retirement Law that provided some senior officials with an opportunity to receive a pension pay in addition to their salaries. And in the GS, the Government Work Follow-up Committee «Council of Ministers» has taken decisions to impose higher duties on imported goods and some products produced in the WB including an additional fee of 12.5% on imported cars.



## • Decline in democracy and the termination of the elected legislative authority

With the cancellation of the Palestinian Legislation Council (PLC) disruption of democratic life continued due to the absence of the principle of separation of powers. In the Palestinian situation, the executive authority gave itself the right to be the sole ruling power in control of issuing legislations, which also weakened the authority and independence of the regulatory institutions, especially

The on-going internal division, and the establishment of two separate governing authorities have deepened the split, legitimized and nourished political corruption in both governing bodies.

the judiciary. In this regard, the Law by Decree No. (17) of 2022<sup>2</sup> was issued to establish the Judicial Higher Council to be headed by the President of the executive authority (the PA president). The presidential decree was a blatant violation of the Palestinian Basic Law. It also ignored the principles contained in the Declaration of Independence by compromising the concept of a democratic state, the principle of the rule of law and the separation of powers, as well as kept government officials free of judicial control. Furthermore, amendments made to the State Audit and Administrative Control Bureau Law weakened the immunity of the head of the Bureau.

Failure to hold general elections (presidential and legislative) for 13 consecutive years, since 2010, in which the term of office of the President and the Legislative Council have expired, eliminated mechanisms for peaceful access to positions of power, hence deprived citizens to exercise their right to choose their representatives<sup>3</sup>.

Decline in the integrity of governance and weak citizens trust in government are due to the continued internal division, dominance of the executive authority over the judiciary, and the closed and non-transparent policy of the government in many areas, especially in the management of public funds.

In addition, the provisions of the Basic Law, which recognized the right of citizens to occupy public positions and respect of the principle of equal opportunities to reach political positions of governance, continued to be violated. It also obstructed the implementation of the provisions

The judiciary is in dire need of empowerment: “ to be provided with sufficient work requirements”; protected from the political and security authorities’ interference.

of Article II of the Basic Law which considered the people as the source of power, and article five of the Law that stipulates “The President of the National Authority shall be directly elected by the people” every four years. All of the above weakened citizens’ confidence in political officials and state institutions; affected the legitimacy of State institutions; left the head of the executive branch to be the sole legislator concerning public affairs’ management through presidential decrees; and left the government with no official control or effective accountability in the preparation and implementation of public budgets. This provided opportunities for some high-ranking officials to make decisions that achieve personal gains or obtain privileges unjustly at the expense of the public interest.

<sup>2</sup> See: the Presidential Decree No. (17) of 2022, regarding the establishment of the Supreme Council of Judicial Authorities and Powers. <https://maqam.najah.edu/legislation/1413>

<sup>3</sup> See: the 3rd item in article (26) of the Amended Basic Law of 2003; “Voting and running for elections to choose representatives from amongst them through voting in accordance with the law”.

Similarly, the Political power in the GS (Hamas) continued to be the sole authority managing public funds and affairs, also to serve its own interest by controlling decision-making centers in the legislative, executive and judicial branches. It maintained a legislative council whose constitutional term expired and controlled the formation of a judicial council, not to mention prevented elections of local government units in the Strip in 2012, 2017



and 2021-2022, as they were held in the WB only. Rather than elections, the Gaza government uses the selection and appointment method to replace local council members when changes are required.

#### • Adoption of nepotism in appointments to senior positions in both the WB&GS

The Executive authority applied the political power's policy of controlling access to power and decision-making positions without relying on the principle of transparency and criteria of efficiency, merit, fairness and eligibility, rather on the degree of loyalty to the ruling regime. Similarly, the ruling power in the GS also continued to monopolize the power of appointing the administrative body responsible for managing public affairs and funds through its control over the Council of Ministers.

#### • Attempts to further restrict civil society's space and freedoms continued

At the level of civic life and CS workspace, restrictive measures were taken on activities of CSOs in the WB&GS in the areas of civil liberties to include freedom of expression in the WB. In 2022, continuous attempts were made to tighten community work and activities through draft laws that intend to cancel the participatory role of CSOs in setting national priorities and community oversight.

“When there is corruption, human rights disappear.”  
Olajobi Makinwa, Un Global Compact Africa Chief

As examples, hindering attempts include issuance of a set of rules for regulating non-profit organizations, some legal arrangements and a licensing system for media organizations.

Also, in the GS, the year 2022 witnessed restrictive measures imposed by the ruling authority on peaceful assemblies, by requiring the submission of a permit request or notice to the Ministry of Interior (Police Service / Institutions' Investigation Department) days before, specifying the nature of the activity. In that respect, the security services stopped and prevented some activities held in closed places such as: the commemoration of

In 2022, attempts to restrict Civil liberties and civil society's work space and freedoms continued with the aim of cancelling their role in community control and participation in the management of public affairs

International Human Rights Day, a workshop held at the headquarters of Filastiniyat Foundation, a sports event for girls under 12 years of age with the pretext of its unsuitability with social and Islamic values and summoning a member of the institution for questioning.

These measures also infringed on charitable organizations work freedoms, violated Palestinian laws on the right of assembly and association and weakened the integrity of governance. All of which are due to the adopted policies, decisions and procedures that serve the beliefs and orientations of the ruling party in the GS with the purpose of domesticating movements in the Palestinian society.



## • Imposed restrictions on civil liberties to weaken social accountability

In addition to the Israeli violations aimed at weakening the role of CSOs active in the field of human rights and prosecuting Israel's crimes at the international level, many violations were also committed by the Palestinian authorities in the WB&GS, in the context of abuse of power, concerning human rights and civil liberties. However, although some decline was noted in the number of violations on Palestinian journalists in 2022 by both Palestinian ruling authorities, it still reached a total of (55), according to Mada Center for Media Freedoms<sup>4</sup>.

In the first eleven months of 2022, according to the monthly reports published on the Independent Commission for Human Rights website<sup>5</sup>, the (ICHR) recorded (28) violations on the right to peaceful assembly and freedom of expression, such as: banning gatherings and restricting activists and social opposition movements, for example. While the number of complaints, related to torture and ill-treatment received by the Commission, reached (363) complaints mainly on violation of the right to physical integrity. Also, in the WB&GS the complaints received by the Commission included (282) violations of the right to liberty and personal security including: administrative detention (i.e., without being brought before the competent judicial authorities), detaining citizens for exercising their legitimate rights in addition to violating due process when carrying out arrests. Moreover, violations regarding failure to implement judicial rulings issued for the release of detainees, they amounted to 17 complaints, and 35 complaints on detentions pending the governor's decision.



## The general environment created by the Israeli occupation, the on-going internal division and the decline of democracy in both the WB&GS caused frustration and reinforced lack of trust in both authorities

In 2022, the majority of Palestinians expressed lack confidence in the Palestinian authorities, as revealed by the majority of opinion polls. Citizens also saw corruption as a huge issue facing the Palestinian society, as revealed by the opinion poll conducted in September 2022 on the Status of Corruption and Anti-corruption in Palestine<sup>6</sup>. The survey indicated that the Palestinian public is pessimistic and that corruption is one of the most important challenges that need to be addressed in addition to the economic crisis, the occupation oppressive policies, weakness of the rule of law and the on-going division.

<sup>4</sup> See: The Palestinian Center for Development and Media Freedoms (MADA); Violations of Media Freedoms in Palestine, Annual Report 2022, p. 21. [https://www.madacenter.org/files/flash/Annual%20Report%202020%20A%20\(1\).pdf](https://www.madacenter.org/files/flash/Annual%20Report%202020%20A%20(1).pdf)

<sup>5</sup> See: the ICHR published monthly reports; <https://www.ichr.ps/reports/monthly-reports?page=2>

<sup>6</sup> For more information, see the Coalition for Accountability and Integrity (AMAN), Public Opinion Poll on the Status of Corruption and Anti-corruption in Palestine, Ramallah, Palestine. <https://www.aman-palestine.org/reports-and-studies/18974.html>

## Second: The state of anti-corruption preventive measures and procedures

- **The current political will to implement national anti-corruption and reform strategies and plans**

The monitoring and follow-up process<sup>7</sup> for implementing the Cross-Sectoral National Strategy to Enhance Integrity and Combat Corruption 2020-2023 revealed the failure of the Anti-Corruption Commission (ACC) in its reliance on the President's approval of the plan and commitment by the government's implementation of it as a cross-sectoral plan. It also overlooked the government's lack of realization of the urgent need to implement and harmonize the national anti-corruption strategy and plans to take-into-account the challenges associated with the political corruption resulting from the autocratic rule in governance for the last three years; where the ruling authority exploited the power of legislation and the authority to manage public resources and affairs. It also incapacitated the independence and oversight role of the judicial authority and weakened the integrity of governance, which in turn reinforced the manifestations of political corruption despite the various reform plans and agendas that were prepared and issued during the past two years.



- The government still does not deal with the "Integrity and Anti-Corruption Strategy" and its plan as a cross-sectoral plan for which it is held accountable. This includes its lack of obliging official parties to implement their parts in order to achieve their individual objectives in their respective fields.
- Anti-corruption plans originating from the National Cross-Sectoral Strategy for Enhancing Integrity and Combating Corruption should be integrated into sectoral plans or operational action plans of ministries and public institutions to ensure that financial needs are met in terms of funding and personnel salaries assigned to its implementation.
- The fact that the executive authority "the presidency and the government" continued to issue decisions and reform plans in the various fields without involving citizen representatives, CSOs, holding societal debate that can help define national priorities for the reform process or contribute to the formulation of national policies shows the lack of sincerity of will to implement the strategy.

Previously, AMAN had put forth a recommendation to form a national committee composed of public figures who enjoy the trust and respect of citizens due to their integrity, impartiality, independence of decision and expertise, to oversee the reform process. AMAN also stressed that reform plans should be doable and address structural imbalances according to Palestinian national needs. This requires following up on the implementation of the financial and administrative reform agenda in the civil and security sectors, and in particular, the management of public funds, the security sector, the civil service and the Palestinian Pension Agency.

<sup>7</sup> The data and results of the special reports prepared by the AMAN, and the information collected from the public sector in its civil and security branches the developments and challenges in the field of promoting integrity and combating corruption during the year 2022



## • Appointments policy and occupancy of senior positions

**AMAN monitored decisions concerning occupancy of senior public positions in terms of appointments, promotions, transfers, extensions, secondments, placements, in the WB&GS**

It was noticed that the ruling party in the GS continued to strengthen its control over top positions in the governance system by adopting a centralized administrative policy, carried out by the Government Work Follow-up Committee. The Committee has the power to appoint and to rotate senior officials in important administrative positions most of whom are supporters of the Hamas movement. It also strengthened its hold over the main public authorities and subordinated their decisions to the benefit of the political power.

### **The President is the source of powers!**

In 2022, President Mahmoud Abbas issued 49 Laws by Decrees and approved the 2022 annual budget. He is also the one who oversees the investment fund, appoints senior positions in the Council of Ministers, institutions affiliated to the presidency and civil and security agencies. He also forms boards of directors of official and CSOs such as universities and charity organizations.

**Results of AMAN's 2022<sup>8</sup> monitoring of decisions concerning occupancy of senior public positions (appointments, promotions, transfers etc.) in the GS are as follows:**

| Movement of senior posts                           | No. of beneficiaries |
|--|----------------------|
| Appointments to higher categories-2022             | 2                    |
| Promotions for higher categories- 2022             | 130                  |
| Transfers for higher categories -2022              | 80                   |
| Commissioning in higher categories -2022           | 18                   |
| Termination of service for higher categories -2022 | 40                   |

**As for the West Bank**, the influential and powerful political authority continued to strengthen its control over decision-making positions in state institutions unilaterally. Key positions at the political and institutional levels were/are occupied by supporters of the ruling authority to ensure control over decisions in civil, security, financial, judicial and legislative affairs. In 2022, the movement of senior appointments included positions of: presidents of public universities, deputy ministers, judges and general directors, according to the Official Newspaper "Al-Waqa' Al-Filisteeniyeh". Summary of these appointments is as follows:

Both authorities in the WB&GS appoint cronies and supporters in the most important public positions with recommendations from the security institutions.

| Higher category movement                      | No. of beneficiaries |
|---|----------------------|
| Appointments-2022                             | 35                   |
| Promotions-2022                               | 17                   |
| Transfers-2022                                | 14                   |
| Extensions-2022                               | 4                    |
| Commissioned                                  | 1                    |
| secondments                                   | 3                    |
| Provisional retirement from judges' positions | 7                    |

<sup>8</sup> Letter of response of the General Personnel Council in the GS to AMAN's letter, dated 6/2/2023.



- Many senior positions such as promotions and transfers continue to be carried out. They are recommended by influential associates and supported by the intelligence and preventive security services. This included appointments in the civilian public sector and security institutions in the WB&GS, without being bound by the principle of equality, equal opportunities and merit among citizens and with no job descriptions.
- Extending employees' term after they exceeded their legal retirement age of some ambassadors and leaders of the security services like the General Director of Police, deputy ministers such as the Deputy Minister of Local Government Rule Ministry and that of the Ministry of Interior. Also heads of major public institutions as the head of the General Personnel Council (GPC), and Presidency. This is all to ensure that loyalists remain in key positions where it is seldom in the public's interest and more often than not in violation of the law.

**Establishment of the neighborhood committees' system in governorates of the GS is to circumvent the law and have power and control over local councils, in favor of the ruling authority in the GS.**

Instead of overcoming obstacles by holding local elections in the GS according to the Local Authorities Election Law No. (10) of 2005 and its amendments, the MoLG there, in 2022, adopted the system of the neighborhood committees. This was to circumvent the prospects and chances of holding these elections, and hence appoint heads of councils that serve the ruling political authority.

- Policies and procedures followed by the ruling parties in both, the WB&GS, provided the opportunity for a number of centers of influence and loyal cronies to obtain private privileges at the expense of the public's interest without accountability.
- The President continues to use his authority to appoint senior civil and security officials. This is in violation of Article (19) of the Basic Law, which grants this power to the Council of Ministers and not to the President.

To prevent the risk of abuse of the power granted to those entrusted with public employment appointments, it is essential to adopt a recruitment system based on efficiency, transparency and objective criteria (Merit, Fairness and Eligibility).

- Expansion of the President's Power: review of the presidential decisions for the period of 2019-2022 showed that the president appointed 31 boards of directors for public institutions. 15 of those boards were either formed or appointed by him directly, while another eleven were formed based on the recommendation of the Council of Ministers; while other parties appointed five boards of directors. The institutions whose boards of directors were directly appointed by the President varied. Some are affiliated to the Palestine Liberation Organization (PLO), such as the Higher Presidential Committee for Follow-up on Churches' Affairs in Palestine and the Palestinian Satellite Corporation "PALSAT", while others are State institutions, such as the Khaled Al-Hassan Foundation for the Treatment of Cancer and Bone Marrow Transplant, and the National Committee for the Listing of Terrorists and Terrorist Organizations. However, lack of clarity in the reference overshadowed the process of some institutions such as the Higher Committee for Jerusalem, and the Mo'een Bseiso Foundation, whose reference was concluded to belong to the PLO and the State of Palestine respectively, by decisions based on their budgets and presidency. Others included the Makassed Islamic Charitable Association "Jerusalem", not to mention the appointment of university boards such as the Board of Trustees of Al-Azhar University in the GS and An-Najah University in the WB.



**Boards of directors appointed by the President without recommendations  
from any party in the past four years**

| No. | Purpose: (On the)  | Recommend. party     |
|-----|--|----------------------|
| 1   | Formation of the Higher Presidential Committee to Follow Up on Affairs of Churches in Palestine  | Direct               |
| 2   | Establishment and formation of the High Commission for Tribal Affairs for the Northern Governorates  | Direct               |
| 3   | Formation of the Supreme Coordinating Council for the Justice Sector   | Direct               |
| 4   | Formation of the national team to discuss the State of Palestine reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination "SERD" | Direct               |
| 5   | Formation of the Higher Committee for Jerusalem  | Direct               |
| 6   | Formation of the national team to discuss the initial report of the State of Palestine on the Rights of the Child Convention with the United Nations Committee on the Rights of the Child      | Direct               |
| 7   | Formation of the National Anti-Money Laundering and Terrorism Financing Committee  | Direct <sup>9</sup>  |
| 8   | Formation of the Board of Directors of the Palestinian Satellite Corporation "PALSAT"  | Direct               |
| 9   | Appointment of the Board of Directors of the Khalid Al-Hassan Foundation for the Treatment of Cancer and Marrow Transplant   | Direct               |
| 10  | Formation of the Board of Trustees of Al-Quds Open University  | Direct               |
| 11  | Formation of the Higher Presidential Committee to Follow Up on the Affairs of Churches in Palestine  | Direct <sup>10</sup> |
| 12  | Formation of the National Committee for the Listing of Terrorists and Terrorist Organizations  | Direct               |
| 13  | Formation of the national team to discuss the initial report of the State of Palestine on the Convention against Torture and other Inhuman, Cruel Punishment, or Degrading Treatment.          | Direct               |
| 14  | Formation of the Board of Trustees of the Mo'een Bseiso Foundation   | Direct               |
| 15  | Formation of the Board of Directors of the National Park "Hadeeqat Al-Istiqlal"  | Direct               |
| 16  | Formation of the Board of Trustees of Al-Istiqlal University   | Direct               |
| 17  | Formation of the Administrative Board of Al-Makassed Hospital- Islamic Association "Jerusalem"   | Direct               |

<sup>9</sup> The method of appointing members of the committee was amended by the Decree Law on Anti-Money Laundering and Combating Terrorism Financing, where members of the committee are recommended by the Governor of the Monetary Authority.

<sup>10</sup> The Council has been reconstituted, See No. 1 in the above table.

### WB: Issuing laws by decrees in pursuit of power and achievement of personal gains

The absence of the Legislative Council strengthened the president's power to control and issue legislations not necessarily in the public interest. Examples include:

- Law by Decree No. (6) of 2022 on Diplomatic Passports (VIP). Article (5) of the Decree granted the President alone the right to grant a diplomatic passport, whether on the recommendation of the Council of Ministers or on his own without any conditions or criteria to regulate the matter.



This allowed many people to obtain this type of passport as a privilege (favoritism) even if they do not qualify. Furthermore, provisions of Article (6) of the Decree/ Law also gave broad discretion to withdraw diplomatic passports from persons, if settling political accounts are desired, under the pretext of “supporting or advocating an external or internal actor who is against the State of Palestine and its constitutional institutions or threatens its national interests, constitutional stability, order and civil peace”. Examples include: withdrawal of diplomatic passport from former Ambassador Nasser Al-Quodwa and former Executive Committee member Yasser Abed Rabbo.

- **Example of law by decrees issued in the interest of individuals associated with the ruling political authority:** The Law by Decree No. (47) of 2022 on amending the Public Retirement Law No. (7) of 2005 and its amendments, which allows some influential people the opportunity to continue receiving their retirement salary from the Public Retirement Agency along with salaries from any other party whether public or private for jobs that are not subject to the mentioned Law. This benefits a group of influential people such as ministers, governors and some heads of bodies who have been granted the retirement same as ministers, in accordance with the Law No. 11 of 2004 on the remunerations and salaries of members of the PLC members, the Government and Governors.

#### • The (GPC) announces the majority of job vacancies on its website:

The GPC continued in 2022 to announce job vacancies in government institutions on its website. In this regard, GPC's webpage indicated that there were 196 job advertisements in various institutions such as the Ministry of Health (MoH), Ministry of Education MoE (which includes the basis for announcing the appointment of new teachers for each year), Ministry of Women Affairs, Ministry of Jerusalem Affairs,

Ministry of Communications and Information Technology (MoC&IT), Ministry of Interior, and the Ramallah Governorate<sup>11</sup>. In this regard, applications are required to be submitted only through the electronic portal of the Council.

**A Tawjihi certificate holder was appointed on 20/10/2021 as a “Document Inspector” and then transferred within months to the licensing department at the Ministry of Transport and Communications (MoT&C) as a “Director”.**

11 See: official website of the GPC: <https://www.gpc.pna.ps/diwan/viewPublicVacancyList.gpc>



A response letter sent by the (MoT&C) to AMAN stated that the employee in question “worked in the job he applied to and was transferred to the permanent appointment item as of 20/10/2021 under the job title of a

Non-University Document Inspector. Finally, a decision was issued assigning him the duties of Director of the Licensing Department at the Directorate of Transport and Communications / Nablus, in line with the decision of the Council of Ministers and instructions and recommendations of the SAACB in this regard, without changing the employee's data or job title at the Bureau. Rather, this came as a motivation and positive change in the interest of work and the public interest and in line with the powers vested in us by law.”

### • **Compliance with provisions of the code of conduct, conflict of interest avoidance regulations and gift register by senior officials**

Despite AMAN, the GPC and the ACC's efforts exerted towards raising awareness, especially among senior decision-making officials, of the importance of promoting the values of integrity and combating corruption and the adoption of support documents such as:

Controversy continues over the extent to which officials and employees adhere to the integrity values defined in codes of conduct.

the gift system by the Council of Ministers, the conflict of interest disclosure system, the code of conduct for public sector employees and other sectors such as NGOs, and the system of the protection of whistleblowers, witnesses, informants, experts on corruption issues, their relatives and other persons close to them, the situation on the ground, in terms of application, control and accountability of non-compliant persons remains limited. What is noteworthy is the lack of commitment of senior officials in acting on it in practice.

Commitment to the provisions of the conflict of interest disclosure system by public sector's politicians and senior employees contributes to enhancing the integrity of officials and workers alike in the sector and helps to avoid abuse of power.

In 2022, 500 officers from the security services received training at the National School of Administration<sup>12</sup> on the code of conduct for employees in the public service, the gifts system and conflict of interest disclosure system.

### • **Failure of members of the political authority to comply with the gifts and conflict of interest disclosure systems' provisions continues.**

Until now, provisions of the gifts and the conflict of interest disclosure systems have not been complied with by establishing a register for each in official government institutions. only, despite the Council of Ministers Decision<sup>13</sup> demand that all entities subject to the gift system must establish a register for gifts.

<sup>12</sup> Interview with Mr. Isam Danadneh, General Director of training at the national school on 23/10/2022.

<sup>13</sup> Letter of response of the General Secretariat of the Council of Ministers to the inquiries of the Coalition for Accountability and Integrity (AMAN), on October 19, 2022.



In this regard, the continued failure to include these systems for members of the political authority, such as: the president, the prime minister, governors and ambassadors, has been the weakest link to enhance transparency in the public service sphere. Furthermore, this gap weakened the official and societal control over this segment, in addition to weakening political integrity as a whole, especially in the absence of effective measures and procedures to promote integrity in governance.

- Continuation of the non-disclosure policy of movable and immovable property and funds of senior officials in state institutions who are prone to corruption and settling for an ineffective financial disclosure system that is applied in the State of Palestine; in addition to keeping these disclosures confidential and not published.

- Many local councils have not utilized the code nor established an accountability mean to enhance and evaluate LGUs employees conducts. In addition, introduction and training on the provisions of the code has remained limited. Moreover, the majority of Councils do not exert sufficient effort in raising the awareness of LGUs employees about the forms and causes of corruption.

The security services discriminates against citizens based on their political affiliation by requiring a “security clearance certificate” that is issued by the security agencies themselves making it a mandatory requirement for proving one’s “good conduct” to obtain many important and vital needs in daily life. For example, it is needed for assuming some public positions/jobs; obtaining permits and licenses such as a public transportation driver’s license; establishing a charity or CSO; or for obtaining academic scholarships, etc.

- **Conflict of interest hinders issuance of a compulsory and comprehensive health insurance system**

The government has not approved the comprehensive insurance system nor established an independent institution specifically for its management as an entry point necessary to build a fair health insurance system that provides high-quality and sustainable health service coverage, at an affordable cost to all citizens without discrimination, and ensures the right to health for all citizens. This is despite the acknowledgment by everyone of the existence of chronic challenges and weaknesses in the government

It is in violation of the law for individuals working in public positions to change jobs to work in the private sector. Also, for senior officers from the security institutions and bodies to participate in political organizations. Poor controls and conditions and lack of adherence to the law in this regard provide opportunities for undeserved privileges and weakens the integrity of governance. This is due to some senior employees’ possession of information, authority or impact on decisions and decision-making, and not necessarily for public interest.

The current decline in the integrity of governance in Palestine requires action to strengthen preventive measures related to officials who are most susceptible to corruption, which necessitates a serious political will. The monitoring and follow-up process at AMAN shows many challenges that need to be overcome in the area of governance integrity

health insurance system, which has been draining the public budget and state resources. At the same time, it was discovered that major investors-including the Palestine Investment Fund were seeking to build a parallel health system from the private sector, where they would be benefiting from obtaining a large percentage of medical referrals, at the expense of the low level of services in public hospitals.

### Abuse of power to change local election results in Al- Shuyoukh and Beit Furik Villages

In 2023 there were attempts to circumvent the results of local elections in a number of LGUs with the aim of strengthening dominance of the political authority (PA) over decision-making positions in these bodies. In this regard, the reinstating of the newly elected council in the Shuyoukh municipality was obstructed by the Ministry of Local Government (MoLG) in Hebron due to its dissatisfaction with the final results of the elections. And in the municipality of Beit Furik, the Minister of Local Government used his authority to appoint a temporary committee from one specific bloc in place of the elected members; clearly an act of favoritism by the MoLG to please the ruling party (PA) and also a violation of the law since it prevented the elected council from completing its term which began in 2022.

The above two examples are cases-in-point of abuse of authority by some officials in the MoLG to serve their personal interests rather than the public interest.

More importantly, behavior of the Minister of the MoLG, and failure of the Prime Minister to intervene to prevent abuse of power despite being informed of the manipulation confirms their condoning and also their adoption of an official policy of interfering in the results of elections. This, no doubt, weakens the integrity of governance.

## • Transparency and participation in the management of public affairs and resources



The Council of Ministers prepared the general budget behind closed doors without informing or allowing participation of citizens, consultation with CSOs representatives or adhering to legal deadlines, in addition to the absence of the PLC.

- The public budget was issued on a later date than specified in the Public Budget Law.
- No civil society representatives and or citizens' interest groups participated in the preparation of the budget or in prioritizing spending.

The 2022 public budget was issued on March 31, 2022, three months into the following year. It was prepared in secrecy without involving citizens and CSOs representatives to discuss spending priorities and other important issues. As a matter of fact, tax-paying citizens were completely excluded from the process. The budget was later published in a brief form without any detailed items explaining the allocations for the responsibility centers, which is a violation of the constitutional

In previous years, AMAN recommendations stressed the need for addressing the net lending causing a burden on the public budget. In this context, the Council of Ministers decided in its session on 17/1/2022 to establish an institutional unit specialized in addressing and following up on all issues related to net lending to ensure the sustainability of LGUs in providing services to the citizens.





and legal rules governing the preparation, approval and implementation of the public budget. This weakened CSOs analytical and assessing abilities of the budget’s items as well as hindered their accountability mechanisms.

The Civil Society Team for Enhancing the Public Budget Transparency (Civil Team) monitored the MoF website aiming to track the extent of compliance with the international standards, represented in 8 core documents, set by the International Budget Partnership Initiative and are necessary for transparency of the public budget. It was found that the Ministry committed to publishing six out of the eight documents mentioned, as shown in the table below:

| Document                                   | Published      | Unpublished |
|--|----------------|-------------|
| Pre-Budget Statement                       | ✓ published    |             |
| Summary of the budget proposal             |                | unpublished |
| Approved and adopted public budget         | ✓ (summarized) |             |
| Citizens budget                            | ✓ published    |             |
| Periodic reports (monthly and quarterly)   | ✓ published    |             |
| Semi-annual report                         |                | unpublished |
| End of the report “Final Account” for 2021 | ✓ published    |             |
| Audited Report 2021                        | ✓ published    |             |

- The GS authority did not publish any items of the public budget with the exception of the public revenues collected from citizens or public expenditures spent. It also continues to refrain from holding consultations with CSOs to identify national priorities and needs. In addition, periodic data on management of the 2022 budget has not been released.
- The SAACB report expressed its reservation on most of the final account reports.

• **The government continues to apply its closure policy and disregard to the importance of NGOs and citizens’ participation in forming policies, preparation of legislations, approval of reform plans and management of public affairs and funds; the most prominent<sup>14</sup> were:**

The government adopts a draft law for the Petroleum Authority that legitimizes all the existing problems at its work, in addition to its supervision and subordination... a trade unit and a government department at the same time, despite the corruption risk that this entails.

- **Confidentiality of legislations:** The executive branch «the presidency and the government» have assumed the task of issuing decisions in the various fields without involving citizens or NGOs representatives, and without societal discussion to helps set national priorities and or contribute to the formulation of national sectoral and cross-sectoral policies, especially needed in the absence of parliament control. Examples include in 2022, the government continued to prepare draft laws by decrees behind closed doors without consultations or societal discussions with the various partners in the private and civil sectors; such as CSOs, research centers, federations and partner unions. It also issued decrees the government was forced to re-track and cancel them, such as: The Physicians Syndicate Law, the amended law of the Criminal Procedure Act, and the Law amending the Civil Procedure Law.

14 See: The Coalition for Accountability and Integrity-AMAN.To what extent weak and fragility of governance impede government reform policies? <https://www.aman-palestine.org/reports-and-studies/18858.html>



- The Council of Ministers continues to refer a number of draft laws to ministers without declaring these projects or explaining their nature, as stated in many of the Council's sessions.

• In 2022, the existing authority in the GS continued to discuss a number of draft laws and regulations without consultations or societal discussions with the various partners in the private and civil sectors such as CSOs, research centers, federations and partner unions. Examples include the New Land Law; System of Electricity Generation Projects from Renewable Energy Sources; Regulations of Renewable Energy Companies.

• The Government Work Follow-up Committee issued the strategic framework document for the years 2022-2024 and the Development Plan for the years 2022-2024 for the southern governorates unilaterally without involving CSOs.

### • Transparency of public procurement

The Higher Council for Public Procurement Policies continued to publish purchases through the Unified Procurement Portal website ([shiraa.gov.ps](http://shiraa.gov.ps)) in addition to procurement plans and management of works contracts<sup>15</sup>. Also, in 2022, the Council of Ministers approved the national strategy to raise capabilities and professionalism in the field of public procurement in Palestine<sup>16</sup>.

Despite the development of the public procurement system, the government has not completed the integration of all entities into the unified public procurement portal, namely the "government responsibility centers and LGUs". Also, the e-procurement strategy, which will enhance the transparency and integrity of the public procurement processes for government institutions and LGUs, has not been completed.

To prevent corruption in public tenders and procurement, it is essential to adopt transparent and competitive procurement systems.

"If corruption is a disease, transparency is an essential part of its treatment."  
Kofi Annan, Former UN Secretary General and Nobel Peace Prize Laureate

The Higher Council for Public Procurement Policies still faces some persistent challenges from previous years that include irregularities in sending Council of Ministers decisions related to tenders in order to ensure collection of public procurement data in the unified window of the Council.

• Although the Higher Council for Public Procurement Policies published on its website the names of the companies listed on the blacklist for 2022, commitment to boycott them is uncertain (i.e., involving them indirectly through a third party).

<sup>15</sup> See: Website of the Higher Council for Public Procurement Policies  
<https://www.shiraa.gov.ps/News/Id/1097>

<sup>16</sup> See: The Council of Ministers decision in its session on 19/12/2022  
<http://www.palestinecabinet.gov.ps/portal/Decree/Details/ed2e04f6-9ea0-4b55-b25d-9de0171164ac>



## • The state of public procurement operations in the Gaza Strip

In 2022, 112 tender announcements were posted on the website of the MoF in the GS<sup>17</sup> for a number of ministries and institutions. Although despite the improvement in the dissemination of information related to the procurement process, especially in the development of the specifications and the final award decisions, this platform does not provide detailed information in this regard in terms of publication of: periodic reports on the volume of government procurement, summary of procurement contracts signed with companies, information on the contracts with companies that were contracted directly and the reasons for contracting, source/s of funds allocated to projects, blacklist of violators of companies contracted to provide services and goods in the past years and the penalties imposed on them in accordance with the law.

### Lack of transparency in the management of the security sector's budgets

- In 2022, the security sector continued to apply the financial regulations issued in 2010, which are renewed annually by the Minister of Finance without publishing and without any acceptable justification.
- The Council of Ministers has not issued a financial regulation for the security institutions that defines spending mechanisms and the responsibilities of the various entities.
- The security sector's budget does not reveal some financial assistance that the security services receive from some donors.
- Procurement in the security sector still needs more disclosure of procurement details such as: issuing procurement-related data in an accessible format, ensuring that all contracts are available to the public, including amendments after awarding bids.
- Continued lack of transparency concerning the use of fuel for cars used by the security sector workers.
- Despite the stifling financial crisis and the ongoing budget deficit, purchase of vehicles for individuals and or apparatuses continues.
- **In the Gaza Strip:** The security services and the Ministry of Interior continued to disregard publishing of the budget allocated to the security sector. In addition, information on the security sector procurement is also not published.

Lack of transparency in the management of the security sector's budgets and procurement in the WB&GS enables and enhances the risk of corruption

### • Publication of annual reports by public institutions officials in 2022 is as follows:

- The General Secretariat of the Council of Ministers published its report which illustrates follow-up of the work of the 18th government in 2021<sup>18</sup>. The government in the WB also publishes a media news item regularly after the end of its weekly meeting on the Council's. It is very brief and dominated by a traditional political discourse that contains a summary of the decisions taken.
- The SAACB published its annual report on its website<sup>19</sup>. The report included the totality of its oversight work on public agencies, institutions and ministries. The Bureau also issued an accompanying report illustrating the extent of these entities' commitment to the recommendations presented in its audit reports for the second year in a row.

Slight improvement in the dissemination of public institution reports despite the continued weakness of its content where mostly achievements are mentioned

17 See: the MoF website in the GS: <https://mof.gov.ps/category/%d8%b9%d8%b7%d8%a7%d8%a1%d8%a7%d8%aa/page/7/>

18 See: The Prime Minister's Website: <http://www.palestinecabinet.gov.ps/portal/publication/7/1>.

19 See: Website of the SAACB: <https://saacb.ps/BruRpts/SAACB-Reports-2021.pdf>



- The ACC published the annual report for the year 2021 on its work and performance, which contains multiple details related to complaints and reports on corruption received by the Commission<sup>20</sup>.
- The Committee for the Follow-up of Government Work in the GS publishes on the titles of decisions routinely and periodically at the end of meetings on the Government's media office website.
- The National Anti-Money Laundering and Terrorism Financing Committee did not publish its annual report on the crime of money laundering. Neither did it publish any significant data or statistics on the extent of the spread of this crime and the money obtained from it. Also, to date, no follow-up has been published to the National Risk Assessment Report of Money Laundering and Terrorist Financing submitted to the Prime Minister. Although it is mandated to publish it in accordance with the provisions of Law by Decree No. (20) of 2015, and the Law by Decree No. (13) of 2016 on Combating Money Laundering and Financing of Terrorism<sup>21</sup>.
- The majority of the security agencies and institutions do not publish their annual reports on their respective websites, with the exception of the Palestinian police who publishes statistics related to its work. Similarly, these agencies and institutions did not publish their yearly plans on their websites.
- Although some non-ministerial public institutions do submit their annual reports to the President and the Prime Minister, they do not publish them on their website. Examples include: Establishment of Management & Development of Orphans Funds<sup>22</sup>, the Higher Council for Creativity and Excellence<sup>23</sup> the Palestinian Pension Agency<sup>24</sup>.

The Palestinian Pension Agency delivers its report to the President but does not publish it to its members?!



### Transparency of the Local Government Units<sup>25</sup>

Many municipalities classified (a) have published the following document on their respective websites and through social media means, these are: the terms and standards of services they provide to the public, work related procedural manuals, general budgets, some details on bids related projects and administrative structures. However, some LGUs suffer from poor website management as revealed by the inspection carried out on big municipalities.

20 See: The Palestinian Anti-Corruption Commission Website: <https://www.pacc.ps/library/FlipperIndex>.

21 For more information: see publications of the Financial Follow-up Unit of the National Anti-Money Laundering and Terrorism Financing Committee. Date of entry: 22/2/2023. <https://www.ffu.ps/index.php>.

22 See: The President receives the annual report of the Establishment of Management & Development of Orphans Fund. <https://saacb.ps/BruRpts/SAACB-Reports-2021.pdf>.

23 See: The President receives the annual report of the Higher Council for Creativity and Excellence. <http://82.213.48.177/Pages/Details/52180>

24 See: The President receives the annual report of the Palestinian Pension Agency. <https://www.wafa.ps/Pages/Details/52422>

25 For more details, see: Transparency Index and the Extent of its Application in the Work of the Palestinian LGUs (17 municipalities). <https://www.aman-palestine.org/reports-and-studies/17536.html>

- Although the Council of Ministers adopted a system for granting bonuses to civil servants in 2022 based on a specific criterion linked to the annual evaluation and the distinguished work of the employee<sup>26</sup>, year-end bonuses continued to be distributed in many ministries and state institutions without clear criteria, indicating the possibility of favoritism practices among some ministers. This further weakened employees' confidence in officials of state institutions.

- In addition to poor provision of information related to the financial situation and lack of information on results and fate of the national sectoral and cross-sectoral plans, the Council of Ministers continued to restrict publications of its decisions, especially those related to procurement, tenders and legislative drafts on the Council's agenda. This added to the continued obstruction of issuing the Right to Access Information Law. This also weakened community participation in the administration of governance, and increased loss of citizens' confidence in the political system, state institutions, and the integrity of political officials in the state.

**The government and officials of ministerial and non-ministerial public institutions refusal to publish the facts, their delay in explaining certain events in addition to their provision of conflicting**

The Government continues to refuse issuing of the Access to Information Law

**interpretations concerning many issues of public opinion during 2022, increased the gap of lack of trust between citizens and state institutions and officials. Among those issues, privileges granted to ministers over and above their salaries, transfer of funds of the Palestinian workers in Israel to banks, developments on the gas file and agreements related to the Zahrat al-Finjan landfill, appointments in senior positions, and legislations such as imposing an additional shekel on fixed and cellular bills.**

In 2022, the Council of Ministers launched the e-Government Services System "Hukumati" including eight "paid" services, through which services are requested and paid for electronically. Also, there are nine "inquiry" services that are not paid for, as they are related to specific subjects, such as: information on a piece of land and its location and knowledge of the validity of official papers. Also, (I'mal) an official portal launched by the Ministry of Labor (MoL) on its official website to register Palestinian job seekers electronically in four different labor markets by logging in through a mobile application.



In the GS, the Ministry of Justice (MoJ) adopted the computerized government complaints management system in addition to launching the 2022 updated Government Services Guide for the Ministry of Transport and Communications, on the website and media platforms in the GS.

See Hukumati: <http://www.hukumati.ps/> ; the portal (I'mal): [www.labour.mol.pna.ps](http://www.labour.mol.pna.ps)

<sup>26</sup> The Council of Ministers Decision No. (21) of 2022 on the system of granting bonuses to civil servants, issue No. 194, p. 77. <https://www.lab.pna.ps/ar>

- **The Right of Access to Information Draft Law is not on the Council of Ministers' discussion agenda**

The Council of Ministers continues to disregard discussing the "Right of Access to Information Draft Law" for approval, noting that the mentioned draft was prepared many years ago in partnership between CSOs and the ACC under a decision of the seventeenth government in 2013. Hence, it seems that the Palestinian government's procrastination of approving and applying this law stems from its fear of the community's participation and accountability on the one hand, and the continuation of its policy of concealing facts, on the other hand; facts that it knows are contrary to the provisions of the law in general or the Basic Law in particular.

- **Transparency of state land management**

Neither of the two governments, in the WB and GS, publishes names of persons benefiting from state land. In addition, both governments do not allow citizens to have access to data on individuals, officials and loyalists who have obtained privileges for themselves or their relatives to dispose of state lands and endowment properties conditional upon utilizing it in the WB&GS or of measures taken against them in the event of non-compliance with the said conditions. Moreover, and despite the formation of government committees to confront encroachment on state lands, there are no practical steps to end these encroachments and no reports are published on the work of these committees.

In 2022, as a result of a conflict that arose between a member of Fatah's Central Committee and the prime minister over his receiving a businessman who demanded the elimination of encroachments on his property and land, a committee was formed to consider the encroachment on government and endowment lands in the Jericho Governorate. The committee was headed by the Minister of Interior, according to the decision of the Council of Ministers in its session held on 21/3/2022. After which the Council decided to "form a committee in each governorate of the country to follow up and record all infringements and attacks on state land".<sup>27</sup> However, none of the committees submitted a report on their work and the Council of Ministers did not announce the completion of the task.

- In 2019, President Mahmoud Abbas formed a committee to look into infringements on state land. However, the commission did not publish the results of its investigations or a summary of measures taken to protect state land from aggression and confiscation by perpetrators.

- On 30/12/2021, the Law by Decree No. (43) of 2021 was issued regarding the management of state property<sup>28</sup>.



Although the Land Authority exerts efforts to protect state land from aggressors, these efforts remain limited and ineffective. As it stands, the Authority has not come up with radical solutions to protect and or recover state land from aggressors. It also has not solved the issues related to land granted to individuals by the late president Yaser Arafat for building investments, but instead has been turned into plots for sale or lease.

27 See: Decisions of the Council of Ministers, session held on 28/3/2022. <http://www.palestinecabinet.gov.ps/portal/Decree/Details/750a6b24-efe8-47e2-b898-99148bd375bc>

28 See: Law by Decree No. (43) of 2021. <https://bit.ly/3sh0pkp>

In line with AMAN's last year's recommendations regarding encroachments on state land, the Council of Ministers issued the Law by Decree No. (3) of 2022 amending the Law by Decree No. (22) of 2018 on the preservation of state land and properties in issue 188 of the official newspaper. It also approved the recommendations of the special committee tasked with follow up and elimination of encroachments and attacks on state land in the Jericho Governorate; and the Council's decision in its session on 7/3/2022.

Furthermore, local technical committees were formed, in the governorates from the executives of the directorates of government departments, to prevent and combat attacks on state land. The committees are headed by the governor of each governorate, in accordance with the Council of Ministers decision in its session on 28/3/2022.

The fate of the committees formed by the government and the President remains ambiguous. Also, there is no disclosure of the work they do, nor are there reports specifying the scale, nature and parties behind the violations. This contributes to the waste of state resources and property, and provides the opportunity for some influential people to continue their aggression on state land and using it for personal purposes rather than the public interest.

### **The Government grants exceptional privileges to the Energy Shareholding Company- Sorooh for the production of renewable energy from solid waste in Zahrat al-Finjan**

Furthermore, local technical committees were formed, in the governorates from the executives of the directorates of government departments, to prevent and combat attacks on state land. The committees are headed by the governor of each governorate, in accordance with the Council of Ministers decision in its session on 28/3/2022.

The Law by Decree No. (26) on the Zahrat Al-Finjan project, issued on 24/5/2022, granted the concessions to the Sorooh Shareholding Company, founded by the Northern Consortium consisting of "five Palestinian, Dutch and Jordanian companies", to establish an electric power plant by burning solid waste in the Zahrat al-Finjan landfill and then selling the produced energy to the Palestinian Electricity Company. for a period of 25 years from the commercial commencement of the plant. The concession period shall be for twenty-five years from the commencement of the commercial operation of the station, without disclosing the name of the actual owner.



The government has yet to pass the Competition and Antitrust Law, and the law on the granting of concessions regulating natural resource management operations; resources owned by the Palestinian people, but are kept under the PA's jurisdiction or have been allocated and managed by private sector companies to provide public services on behalf of the State.



- Although the aforementioned law by decree regulated some aspects of the concession granted to the Sorooh Company, such the duration of the concession and the methods of its termination, it referred most of the executive provisions to the unpublished agreement signed on 28/4/2022 between the government, represented by the Ministers of Finance and that of the Local Government, and the Sorooh Power Company. In addition, the Law by Decree on "Concession of the Zahrat al-Finjan project" included special and exceptional provisions that are unusual and unbalanced compared to administrative contracts that are usually for the protection of public interest. However, in this case they are for the purpose of protecting the concessionaire company "Sorooh".
- Although the Law by Decree was the culmination of the signed agreements and is considered an integral part, as stated in article (8) of this Law, no signed agreements contained in the same article were appended or published in the official newspaper; these are: 1. The main concession agreement and appendices; 2. The electricity power purchase agreement (PPA); 3. The connectivity agreement; 4. Land Lease Agreement. The lack of access to these agreements makes it impossible to review and hence verify their compatibility with the amended Palestinian Basic Law and with franchising standards and best practices. Also, to examine the extent to which they are consistent with the general interest of the Palestinian people; to know the decision-making mechanism in the management of public resources and the obligations generated by these agreements and their impact on the Palestinian government and future generations, careful not repeat the mistakes made in previous agreements such as those related to the power plant in the GS.
- Article II of the Concession Law by Decree raises questions about the obligations of the MoLG signing the land lease agreement with Sorooh, instead of with the LGUs Solid Waste Management Council in the Jenin Governorate. This constituted a violation of the legal procedures adopted in the Public Procurement Law and the principles of decentralization adopted in the amended Basic Law and the Local Government Law, which considers LGUs, including joint councils, to have legal personalities and financial and administrative independence that entitles them to conclude agreements concerning the management of public utilities under their jurisdiction, including solid waste management and investment. Therefore, the justification of the government (MoLG & MoF) concluding the concession contract and its annexed agreements with the Sorooh Co. is questionable.
- Article (9) of the Law by Decree Granting Sorooh Company the concession to produce energy from Zahrat Al-Finjan landfill for a period of at least 25 years is classified as not a monopoly contract. It also stipulates that the concessionaire, "Sorooh Company", shall benefit from all exemptions, incentives and privileges stipulated in the Investment Promotion Law in force and other related laws, the unpublished provisions of the Convention, in addition to the exemptions, incentives and privileges granted to it by a decision of the government.

The companies' Law by Decree No. (14) of 2021 contains a deficiency concerning adherence to the principles of transparency with regard to revealing ownership of private shareholding companies, as article (14) related to the companies' register did not include the publication of names of the real shareholders (owners) of companies. Rather it settled for publishing the names of the authorized signatories, CEOs and members of the board of directors' names.



- This exception is a deviation from the general principles of the Administrative Law. It is also in violation of the provisions of article 4, paragraph 3 of the Investment Promotion Law of 1998 excluded electricity production and distribution projects from the exemptions and advantages granted to other investment projects. Moreover, it opens the way for the company to receive additional privileges from the government in the future.
- Article (10) of the Law by Decree provided immunity to the Sorooh Company from any future changes that might occur on Palestinian legislations. It stipulates that "the concessionaire shall be considered protected for the duration of the first concession from: 1. any change in the legislation governing the concession or whose entry into force leads to prejudice against it. 2. any change in legislation that may increase its tax burdens, fees and or operational costs. 3. in the event of a desire to extend the franchise, the franchisor and its holder may discuss any conditions or burdens imposed by the new legislation. This placed the Law by Decree in a supra-constitutional position and freed the franchised company from being subject to other laws that apply to citizens. This is an unprecedented exception that restricts and prevents the legislator in the future from exercising his legislative powers in regulating this sector.

**The granting of exceptional privileges and immunities in the Law by Decree to Sorooh Energy Company Ltd. without publishing the agreements, obligations imposed on the Palestinian government and future generations, and without disclosing the real owner of the company with the presence of influential people in the PA shows lack of transparency by the governing institutions. It also raises suspicions of conflict of interest in granting privileges to individuals associated with PA due to the lack of clarity of their connection to the company or the size of their investment in it. Hence, the issuance of the Law by Decree on the Zahrat al-Finjan concession encompasses a degree of overlapping between private and public interests and raises doubts about the justification for granting undue privileges.**

### Continued lack of transparency in the management of the gas file

The project of utilizing, operating and extracting gas is still stalled due to the many challenges that faced the State of Palestine, including: the occupation's disruptive policies to utilize its natural resources and wealth including the extraction of natural gas fields in the Palestinian territorial waters. the continued lack of clarity of the Palestinian government's general policy guiding the management of the oil and gas suppliers due to the absence of a Palestinian regulating law for concession contracts granted to the private sector for natural resources management and utilization. The government also did not publish the terms of the related agreements and decisions. Nor did it provide information on Palestine's membership in the forum despite the Council of Ministers approval in its 76th session held on 28/9/2020 of the accession of the State of Palestine to the amended Charter of the Eastern Mediterranean Forum (EMF), which includes (Egypt, Israel, Jordan, Greece, Cyprus, and Italy).

It also did not publish the memorandum of understanding (MoU) signed by the Investment Fund and Consolidated Contractors Company (CCC) with the Egyptian Natural Gas Holding Company "EGAS" concerning the development of the Gaza gas field and the necessary infrastructure; the mechanism for developing the gas field; project implementation timeline; management policies and methods of the "gas" file as a natural resource owned by the Palestinian people.

Ambiguity continues to suffice the registration of the Palestine Natural Gas Company, which was established by the decision of the Council of Ministers in its meeting held on 6/09/2021, in order to manage gas facilities in Palestine and for concluding contracts to purchase gas from various sources.

The continued uncertainty surrounding the management of the gas file, the non-disclosure of the decision-making mechanism in the management of natural resources, including gas, the continued policy of not publishing information and details of agreements that have been concluded including membership in the (EMF) and the continued absence of the official monitoring and accountability roles of the "legislature", community and popular councils of those entrusted to manage this file may increase the risk of corruption as well as the chances of conflict of interest. On the one hand, conflict of interest may occur among some individuals that oversee the management of relations and decisions (i.e., being a supervisory party), although this is considered the responsibility of the government commissioned by the President, and being an executive party in the exploration and extraction concession from the Gaza well, on the other hand, which earns it privileges at the expense of public interest.



Ambiguity in managing the gas file by the government reflects its weak commitment to transparency in the management of public resources as a whole, and provides opportunities for decisions that serve individuals' or entities interest rather than public interest.

## • Poor official control over the political power continues... effectiveness of the accountability systems

• The SAACB continued to issue its annual report, which includes numerous observations and violations concerning many public institutions and officials. However, the effectiveness of the Bureau's monitoring process and follow up remain limited due to the absence of the Legislative Council. It is also due to the lack of effective follow-up by the Council of Ministers and the

AMAN calls for enhancing integrity, impartiality and independence in the composition and work of the Supreme Constitutional Court and its decisions.

President's Office on the bodies it supervises, where these two entities have the power to demand that these institutions submit their periodic reports and implement the Bureau's recommendations. They also can hold violating officials accountable or refer them to the competent authorities to hold them accountable in the event of suspicions of corruption or administrative violations. This made a mockery of public control carried out by the responsible authorities. This was verified in the SAACB 2021 annual report<sup>29</sup>, which showed that a number of officials of government, civil and security agencies do not respond to recommendations related to addressing deviations, and that some officials do not respond to the inquiries of the Bureau. for example, the 2021 report revealed that the percentage of commitment to implement the Bureau's recommendations by some public institutions remains limited.

### Public institutions' implementation of the SAACB recommendations in 2021

| Institution   | No. of Recommendations | Implemented recommendations |         |                 |
|---|------------------------|-----------------------------|---------|-----------------|
|   |                        | Full                        | Partial | Not implemented |
| The Supply and Equipment Commission   | 8                      | 3                           | 2       | 3               |
| The Palestinian Judicial Institute  | 4                      | 1                           | 2       | 1               |
| The Ministry of Health-Public Health Lab  | 12                     | 0                           | 8       | 4               |
| The Ministry of Agriculture, General Directorate of Veterinary Services and Animal Health                           | 41                     | 9                           | 6       | 26              |
| The Ministry of Education   | 20                     | 2                           | 5       | 13              |
| The Ministry of Agriculture, General Administration of Agricultural Land  | 19                     | 3                           | 4       | 12              |
| The Palestinian Employment Fund   | 82                     | 22                          | 0       | 60              |
| The Environment Quality Authority   | 36                     | 3                           | 6       | 27              |
| The Ministry of Transport and Communications-Vehicle Licensing System, Drivers' Licenses and the permit/Touria exam | 61                     | 24                          | 26      | 11              |
| The Ministry of Social Development-The Cash Assistance System   | 37                     | 1                           | 14      | 22              |

29 See: The SAACB website. <https://saacb.ps/BruRpts/SAACB-Reports-2021.pdf>





In the GS, the SAACB continued to submit its annual report to the Legislative Council (Reform and Change Bloc) regarding its oversight work on government institutions and local and civil councils, but without publishing it. This made it difficult to know the extent to which these institutions responded to the Bureau's reports. And despite the multiple demands of the Legislative Council for the need to publish the Bureau's report, neither the report nor a summary of it had been published as of the end of 2022.

- The majority of public institutions in the GS, including ministries and non-ministerial bodies, did not submit their 2022 annual reports. Publications in some of their published reports are limited to achievements without linking them to the ministry's plans and the challenges faced. They also do not specify what was not accomplished from the approved and adopted plans. Also, the number of public institutions that do publish their reports remains very limited.
- The Interior Ministry does not provide clarification on the internal accountability within the security establishment in the GS. Also, the intelligence services do not publish any reports on results of investigation committees or violations, punishments and disciplinary sanctions taken against officers and members of the security services.
- According to the Ministry of Interior and National Security's letter to AMAN<sup>30</sup>, many reports are submitted to the reference authorities within the ministry. However, none are posted on the Ministry's website.
- There are no official reports on disciplinary measures taken regarding administrative and financial violations in the civil and security sectors, which clearly explains the extent to which violators bear responsibility for their actions.
- Despite claim by the majority of public institutions commitment to the specific Code of Conduct for Public Service employees and the Unified Code of Conduct in the Security Services, there is no evidence, indicators or data on holding violators accountable.

Without strong watchdog institutions, impunity becomes the very foundation on which systems of corruption are built"

Rigoberta Menchu Tum, Noble Prize Laureate

- Continued weakness of the accountability system in many of civil and security establishments in the WB&GS, in addition to the institutions affiliated to the President.

### • Government complaints reports remain traditional

The 2021 statistics on complaints, obtained by AMAN, showed that the total number of complaints received by government institutions is nearly half those received in 2020; close to that received in 2019.

However, statistics alone do not explain the reasons for complaints carried over from past years why some are rejected for example. Moreover, statistical reports are void of information on policies as well as analysis of complaints and concluded results, which may help to eliminate problems arising from some policies or procedures followed in government work.

<sup>30</sup> Ministry of Interior and National Security's response to AMAN's Letter, dated 23/1/2023.



## Complaints submitted to ministerial and non-ministerial bodies, and security agencies in 2021

| Indicator   | Ministry | Non-ministerial body | Governorate | Security agency | Total 2021 | Total 2020 | Total 2019 |
|---|----------|----------------------|-------------|-----------------|------------|------------|------------|
| No. of departments that dealt with public complaints      | 22       | 22                   | 11          | 13              | 68         | 68         | 67         |
| No. of complaints received during 2021                    | 3688     | 976                  | 3288        | 503             | 8455       | 19,808     | 8,465      |
| No. of complaints accepted in 2021                        | 3037     | 902                  | 2982        | 500             | 7421       | 17,622     | 7,362      |
| No. of complaints rejected in 2021                        | 550      | 71                   | 232         | 3               | 856        | 1993       | 1,015      |
| No. of complaints carried over from 2020                  | 353      | 64                   | 333         | 0               | 750        | 648        | 658        |
| No. of complaints addressed in 2020                       | 3289     | 1037                 | 3547        | 500             | 7733       | 17,702     | 7,416      |
| No. of complaints carried over at the end of 2021 to 2022 | 101      | 3                    | 74          | 0               | 426        | 761        | 692        |

Statistics indicate that one third of complaints were received by the Ministry of Economy, followed by the Ministry of Communications and Information Technology (MoC&IT) with one-fifth of the number of complaints, then the MoSD with 10% of the total complaints received by the ministries. As for complaints received by non-ministerial public bodies, the Environment Authority received about two-thirds of the complaints followed by the Land Authority. At the governorates level, the Hebron governorate received nearly one third of the total complaints followed by the Tul-Karem governorate and then Qalqeelyia.

Statistics showed that approximately 20% of complaints were submitted through the government's computerized complaints system «Email», while complaints submitted in person amounted to 40%. Although complaints are considered a tool that helps solve some of the citizens dilemmas, it is actually no more than a protest or a gripe against a policy or unsatisfactory treatment, or a request for help in providing a service, at times. Or sometimes it is an advocacy to face of an infringement by a person or entity against the complainant. In that regard, the above statistics showed that the majority of complaints were focused on expressing citizens' dissatisfaction with the services and assistance provision in the public institutions listed in the table above. This indicates to a widening of the phenomenon of unfairness and loss of confidence in state institutions and officials.

In 2022, the Council of Ministers did not issue nor discuss the 9th annual complaints report in government departments for the year 2021. This indicates a decline in the Council's use of accountability systems and tools in public institutions; a tool that enables it to understand the shortcomings at work and hence can carry out policy reforms that improve performance at work in public institutions.

In 2022, the Council of Ministers did not issue nor discuss the 9th annual complaints report in government departments for the year 2021.



In the GS: the number of complaints received by the Ombudsman and public institutions during the period of November 1, 2022 and December 31, 2022, was about 25,880 complaints. 24,464 of them were addressed, while 1,416 remain unfinished.

### Complaints submitted to ministerial & non-ministerial bodies, and security agencies in the GS in 2022

| Receiving Authority   | No. of received complaints | No. of completed complaints | No. complaints under study & follow-up |
|---|----------------------------|-----------------------------|--|
| Grievances Bureau/ Ombudsman <sup>31</sup>                        | 3077                       | 2842                        | 235                                    |
| Ministry of Communications & Information Technology <sup>32</sup> | 1839                       | 1770                        | 69                                     |
| Ministry of Interior <sup>33</sup>                                | 3172                       | 2075                        | 1097                                   |
| MoSD <sup>34</sup>  | 14525                      | 14510                       | 15                                     |
| Ministry of Labor <sup>35</sup>                                   | 2733                       | 2733                        | 0                                      |
| Ministry of Public Works and Housing <sup>36</sup>                | 32                         | 32                          | 0                                      |
| The Legislative Council "Change & Reform Bloc"                    | 502                        | 502                         | 0                                      |
| Total   | 25880                      | 24464                       | 1416                                   |

Complaints received by the MoL are mostly related to benefitting from the temporary employment program and inquiries about permits to work in "Israel". As for complaints received by the MoSD, 96% of them were related to the Qatari grant, and some were related to the martyrs' file of the 2014 war on the GS and the restoration of homes of poor families. While others had to do with health insurance, the poor economic and social situation due to the delay in disbursement of cash assistance, and complaints related to emergency medical aid as an alternative to treatment. While complaints in the Interior Ministry were mostly due to mistreatment of employees, services provided, abuse of power, illegal detention, the right to public positions, and the non-implementation of court orders among others.

Data from the Ombudsman in the GS showed that the MoL had the highest number of complaints received by the grievances body with 530 complaints. The MoSD came in second place with 329 complaints, and the GPC with 314 and the MoC&IT with 93 complaints. The data also revealed that 75% of the received complaints were related to the police. Complaints related to non-implementation of court decisions accounted for about 22% of all complaints in 2022; followed by discrimination contrary to the Basic Law at 16%. Complaints concerning the MoH are related to the service provision with 40%, which was due to the absence of the medical staff when needed or delay in service provision, followed by lack of availability of treatment or request for treatment outside the list of essential medicines accounting for 17% and then abusive treatment with 15%.

31 Letter of response of the Ombudsman in the GS to AMAN's Letter, dated 5/2/2023

32 Letter of response of the MoC&IT in the GS to AMAN's letter, dated 25/1/2023. "Summary Report on the Central Complaints System" for the period from 1/1/2022-31/12/2022.

33 Letter of response of the Interior Ministry in the GS to AMAN, dated 23/1/2023.

34 Letter of response of the MoSD in the GS to AMAN, dated 26/1/2023.

35 Letter of response of the Ministry of Labor in the GS to AMAN, dated 30/1/2023.

36 Letter of response of the Ministry of Public Works and Housing in the GS to AMAN, dated 14/2/2023.



Working on statistics only without studying complaints and dealing with each complaint according to its nature in terms of type, party complaint against, and official authority to be addressed for follow-up and rectification of the situation, etc. will not lead to specific and meaningful conclusions that can assist officials in taking decisions that can reform structural imbalances in state institutions once and for all.

- The Committee for the Follow-up of Government Work in the GS issued a decision requiring all government components, including ministries, departments and bodies, to comply with recommendations of the Ombudsman. It also called on all parties to fully cooperate with its request if it summons any official or employee to be briefed on matters, have access to documents or investigation minutes or any other minutes of committees and their recommendations<sup>37</sup>.
- **The Judicial Inspection Department in the GS conducted only eight inspection visits in 2022, and it reviewed 80 files (court rulings). The number of written and electronic complaints reached 421 complaint. Of these 402 of were completed, accounting for 95% of all complaints.**
- **The Change and Reform Bloc in the Legislative Council formed two fact-finding committees without disclosing their results**

In 2022, two fact-finding committees were formed; one was tasked with investigating suspicions and violations of some companies in the agricultural field and the other was to investigate suspicions of violations raised against the Nuseirat municipality. Also, three questions were asked to the head of the government work follow-up committee regarding events of the Bedouin village; another was directed to the Deputy Minister of the MoSD concerning the emergency aid received in the GS during the Israeli aggression in May 2021, mentioned in the SAACB report. And the third question was directed to the Deputy Minister of the Ministry of Tourism and Antiquities on tourist facilities. No results were declared regarding any of them.

- Some public institutions have been and continue to operate without a special law regulating their work and points of reference. In the meantime, their officials and employees are paid from the public budget.
- **Government companies without general laws to regulate their business**

Failure to issue laws regulating the work of some government companies established in the past years continues until today. Like; the Fiber Optic Company, Palestine Natural Gas Company, the Palestinian Correspondent Company, in addition to the Public Transport Company and the Palestinian Electricity Transmission Company. This is in violation of the provisions of Article (21) of the Basic Law, which stipulates that "the executive branch may establish public companies regulated by law."

- The legal system in the GS is void of legislation provisions in regard to accountability for medical errors. Hence, the Judicial, administrative and general legal provisions that apply to violation of the professional principles of other professions

Continued weakness of the accountability system concerning medical negligence and errors

are also applied to medical errors. However, these legal provisions do not obligate health professionals or health institutions to insure themselves against errors that may occur on duty.

<sup>37</sup> Decision of the Government Work Follow-up Committee on the Ombudsman, in its Session No. (75) held on January 2, 2023.



- Also, most accountability mechanisms there are limited to administrative measures taken by the MoH. And although the MOH has formed a number of committees to investigate medical errors and also imposed a number of sanctions on perpetrators of these mistakes, there is lack of accurate statistics on the magnitude of medical errors in the public and or private health sector in the GS.

This is due to the absence of an integrated system for documenting and addressing medical error cases, after which actions can be taken to strengthen patients' safety systems during stages of treatment, and hence reduce the possibility of errors' occurrence.

Before preparing this 2022 annual report AMAN addressed the majority of ministerial and non-ministerial public institutions throughout 2022 and in the first part of 2023. The purpose was either to inquire about immediate issues or to obtain general information before preparing the report. Some institutions responded favorably while others did not cooperate despite their importance such as the Public Prosecution, MoF, MoH, the GPC, MoT&IT, MoSD, Palestine TV and Radio Corporation. Similarly, in the GS, AMAN received responses from some of public bodies while other did not cooperate, such as the Government Work Follow-up Committee, the MoF and the SAACB.



## Third: Criminalizing and Prosecuting Corruption and Corrupt Individuals

### • Cases before the Anti-Corruption Commission related to suspicions of corruption for the year 2022<sup>38</sup>

• The number of complaints and reports received by the ACC in 2022 reached a total of 879. The commission dismissed 40 of them for lack of jurisdiction, while the number of complaints and reports carried over from 2021 reached 689 files. This means that in 2022, the total number of complaints and reports presented to the ACC and its staff amounted to 1568.

Suspicion of corruption crimes cases reported to the ACC in 2022 included abuse of power, forgery, nepotism, embezzlement, bribery, non-disclosure of conflicts of interest, complacency in performing public duties, occupational exploitation, illicit gain, abuse of trust, and money laundering.

| Classification of suspected offences    | No. of complaints & reports | Ratio       |
|---|-----------------------------|-------------|
| Abuse of power                          | 668                         | 76%         |
| Forgery                                 | 41                          | 5%          |
| Wasta & Nepotism                        | 39                          | 4%          |
| Embezzlement                            | 26                          | 3%          |
| Bribery                                 | 16                          | 2%          |
| Conflict of Interest                    | 16                          | 2%          |
| Complacency in performing public duties | 15                          | 2%          |
| Occupational exploitation               | 8                           | 1%          |
| Abuse of trust                          | 5                           | 1%          |
| Money laundering                        | 5                           | 1%          |
| <b>Total</b>                            | <b>839</b>                  | <b>100%</b> |

In 2022, the Commission referred a total of 64 files and cases<sup>39</sup> to the Anti-Corruption Prosecution. 58 of those are referral of new cases and 6 are related to investigative cases pending before the Anti-Corruption Prosecution that were previously referred.

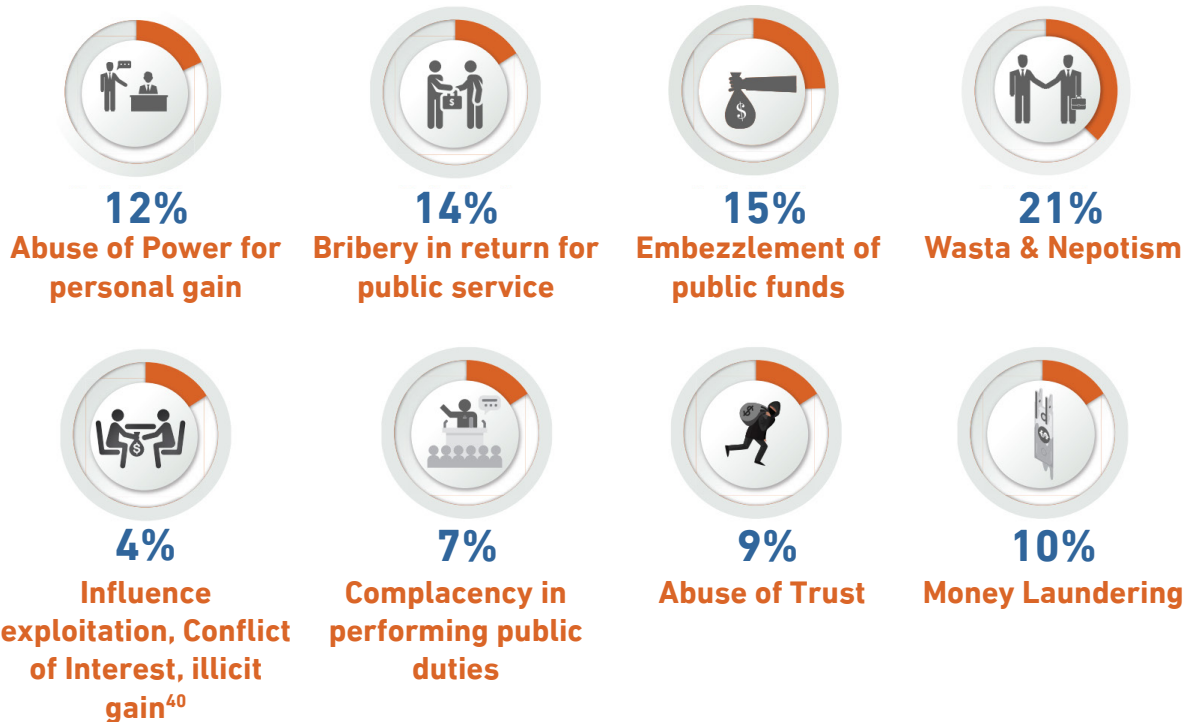
Complaints related to abuse of power accounted for 76% of the total received by the Commission, while citizens believe that wasta and nepotism constitute the larger number

<sup>38</sup> The ACC's response to AMAN's Letter, dated 6/2/2022.

<sup>39</sup> The previous source.



According to the Citizens' Opinion Poll of 2022, the most prevalent forms of corruption in Palestine were as follows:



• “Wasta”: Citizens’ perspective

Results of the public opinion poll (the State of Corruption and Anti-Corruption in Palestine 2022) show that 44% of citizens of those who received public service in 2022 felt that they were compelled to use wasta to obtain it. 21% of them attributed reason to “fear of not being able to access the service due to the limited opportunities”, while 18% said that the most important reason is lack of confidence in the integrity of service providers. 17% said it was due to “fear that an undeserving person will take it because of corruption”, while 16% of citizens said that the most important reason is to avoid bureaucratic procedures.

• The existing authority in the GS has yet to enact the illicit gains law, or demand that members of the Government Work Follow-up Committee, the Legislative Council’s members (the Change Reform Bloc) and senior officials submit financial disclosures. Also, no legislations have been issued on conflict of interest, Gift system or the protection of whistleblowers and witnesses of corruption acts.

86% of suspected cases were public sector workers and Local Government Units, while 14% were workers in civil society, the private sector and international institutions.

86% of suspected corruption cases are in the public sector and local government units

40 See: AMAN, 2022 Citizens' Opinion Poll on the Status of Corruption and Combating it in Palestine 2022. Previous source. P. 22.



## Distribution of complaints and reports received by the ACC in 2022

| Sector   | No. of Complaints & Reports | Ratio       |
|--|-----------------------------|-------------|
| Public Sector  | 455                         | 52%         |
| Local Government Units   | 299                         | 34%         |
| Civil Society Organizations  | 47                          | 14%         |
| Unions & Federations   | 21                          |             |
| (Private Sector (Shareholding Companies  | 22                          |             |
| Other (Committees, Centers, Jurors, International Bodies, Educational Institutions | 23                          |             |
| Not Subject  | 12                          |             |
| <b>Total</b>   | <b>879</b>                  | <b>100%</b> |

As illustrated in the table above, the largest number of complaints and reports received by the ACC are cases that indicate suspicion or allegation of corruption, most of which are in the public sector with a ratio of 52% of the total number of the complaints and reports and 34% in LGUs; while the rest of the sectors and other entities accounted for 14%. These data are largely consistent with what Palestinian citizens believe, verified by the results of the 2022 Public Opinion Poll on the Status of Corruption and Anti-corruption, which indicated that government institutions (public sector) were the most susceptible to corruption with 52%, followed by LGUs with 19% and the private sector (companies that manage public facilities) with 15%, and CSOs with 14%.

- 97 out of (879) or 11% of the total complaints and reports that were received by the ACC belonged to senior positions (those with a minister's rank, high category, the diplomatic corps/ambassadors, heads and members of the judiciary and prosecution)

11% of complaints and reports submitted to the ACC are related to senior officials (minister, deputy minister, general director, ambassadors, individuals in the public prosecutions)

- While the ACC data shows that reports related to the higher categories of officials constitute only 11% of the total reports and complaints, citizens have a different take on that... where 73% of them believe that corruption is concentrated among the that category, and only 27% of citizens believe that corruption is committed by employees in lower categories<sup>41</sup>. Apparently, one of the reasons for this difference is due to their lack of trust in officials, or that citizens do not see senior officials being held accountable. Or it might be due to their conviction that citizens and ordinary employees are afraid to report senior officials.

73% of citizens believe that corruption is concentrated within the senior category of employees

41 For more information, see: AMAN, 2022 Citizens' Opinion Poll on the Status of Corruption and Combating it in Palestine 2022. Previous source P. 18.





AMAN has information which confirms that a number of cases involving high-level individuals are referred to the President’s Office pending his decision on follow-up.

- During 2022, the ACC referred a total of 64 files to the Public Prosecution, compared to 45 files in 2021.
- During 2022, the ACC referred eight files to the Public Prosecution concerning higher-ranking categories (with a minister’s rank, high category, the diplomatic corps/ ambassadors, heads and members of the judiciary and prosecution), constituting 8.2% of the total number of complaints and reports received by the ACC in 2022 concerning these categories.

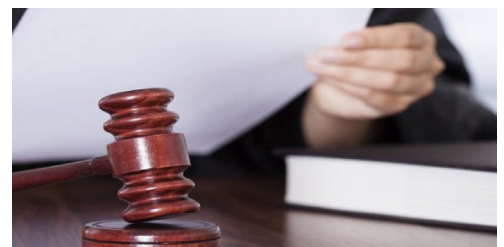
A high percentage of Palestinian citizens believe that corruption continues to spread and are pessimistic about the government's efforts to curb it.

### Corruption suspicions in granting work permits to laborers in the GS

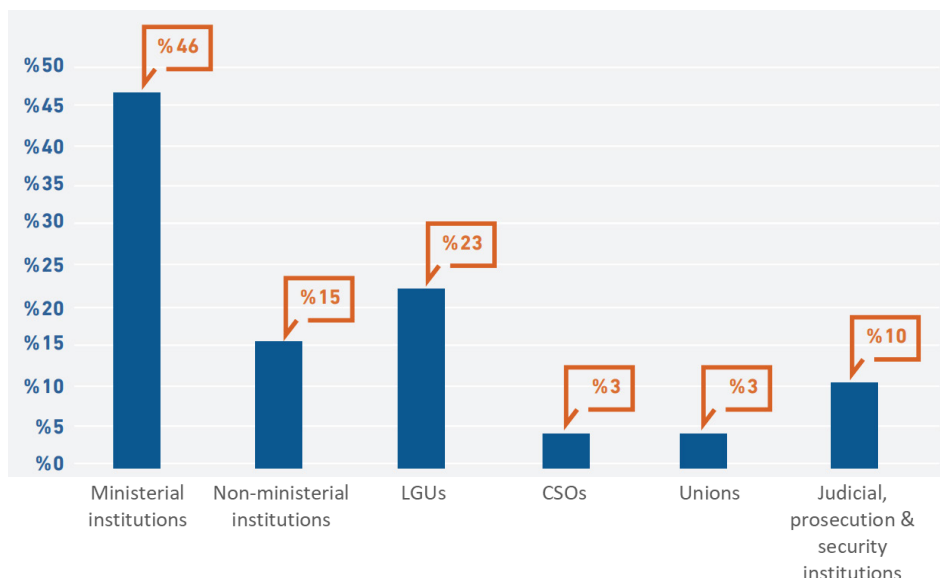
In 2022, rumors increased concerning corruption suspicions regarding permit grant mechanisms for laborers in the GS to work in occupied Palestine 1948, that included bribery, wasta, nepotism and favoritism. This is attributed to the political tensions between the authorities supervising the organization of lists submitted to the Israeli side. Also, due to the lack of clarity of procedures for granting permits in accordance with the principle of equal opportunities, lack of coordination between the Palestinian sides in the Strip, such as the MoL, Ministry of Economy and the Civil Affairs Commission, in addition to the absence of a published criteria for humanitarian permits.

### • Citizens who sought AMAN’s Advocacy and Legal Advice Center (ALAC)

According to the ALAC at AMAN, in 2022, complaints by those who visited the Legal advice center at AMAN were distributed among the following institutions: ministerial and non-ministerial official institutions, the security services, judiciary and public prosecution by 71%; the LGUs with 23% and CSOs and unions by 6%.



Percentage distribution of adopted cases of the accused parties



Cases related to ministerial and non-ministerial institutions and LGUs increased in ratio to reach 94% of the total cases. The majority of them is relate to suspicions of corruption or malpractice in compliance with the integrity values, principles of transparency and systems of accountability or integrity of governance.

Until today, the private sector is not listed as one of the sectors that is subject to the Palestinian Anti-Corruption Law. Hence bribery, embezzlement of property, wasta, nepotism and exploitation and sexual harassment are not criminalized in the private sector. This is in addition to the lack of disclosure of cases of conflict of interest that occur often in that sector by senior executive managements or employees of private companies managing public facilities or provide public services such as the electricity, communication s and water companies.

The potential negative effects of non-criminalizing corruption acts in the private sector is represented by Poor public services in light of the privatization and partnership in managing public affairs with the public sector. The non-criminalizing of these acts also leads to economic crises at the local and global levels as the 2008 financial crisis. This is over and above the failure and collapse of private sector institutions when acts of corruption become rampant within them.

### • Cases under investigation on suspicion of corruption at the Public Prosecution

For the fourth consecutive year, the Public Prosecution in the WB refuses to publish data on corruption crimes it dealt with, in terms of their type, nature and locations of suspects. Or to inform AMAN of the magnitude of corruption cases, their nature and parties it investigated, as well as the volume of economic crimes for the year 2022.

- Out of 219 files in the custody of the Public Prosecution (64 files from 2022 and 155 files are carried over from past years) it completed and referred 31 files and cases to the (CCC) in 2022, whether they were referred by the ACC or other parties. This is an indication that files are accumulated continuously at the Prosecution, which hinders accountability and allows for impunity of the corrupt.



86% of the files held by the Prosecution were pending decision until the end of 2022, including files from many years ago. AMAN possesses confirmed information that in some cases settlements are being negotiated with the accused, and or extortion is applied on the accused for non-official gains (i.e., in the interest of private companies registered in the prosecution's name) or to settle old accounts with some of the accused, all of which are in violation with the law.

- Although the ACC referred eight files belonging to higher-level officials to the Public Prosecution, the Prosecution referred only one file to the (CCC) in 2022, which is about 12.5% of the total files for these categories. This is without counting the files and cases carried over from past years and are in custody of the Prosecution. And if we are to consider the cases related to officials of the higher category that were referred by the Prosecution to the Court in 2022, we would realize that they account for only 3%. While percentage of files for junior employees accounted for 97%. This is ablatant



failure of the Prosecution to prosecute senior officials suspected of corruption cases, and a weak will to pursue grand corruption especially in cases involving senior officials.

• Although the ACC referred 19 files<sup>42</sup> related to the “conflict of interest crime” during the past three years as follows: five in 2020, nine in 2021 and five in 2022, none of these were among cases tried before the (CCC). This shows that it is cases like this that undergo negotiation settlements with the Prosecution and hence are not referred to the CCC, especially since it involves senior officials.

Cases referred by the Public Prosecution to the (CCC) in 2022 accounted for only 14% is of those referred to it by the ACC.

**• Economic crimes linked to corruption that are registered with the Prosecution**

Promoting spoiled food, tax evasion and money laundering continue to be the most prevalent economic corruption cases, noting that economic corruption issues receive wide attention among citizens. And generally, it is the marginalized segments of society (poor) are the most affected by corruption in food and medicine. In this regard, the Public Prosecution stated that it received 185 cases of economic crimes in the Wb alone, which was stated in its 2021 report. 90 of these were cases related to dealing/ circulating spoiled or expired food; and 64 on tax evasion, in addition to 31 cases related to money laundering. The table below illustrates the classification of economic crimes cases received by the Public Prosecution in 2021<sup>43</sup>.

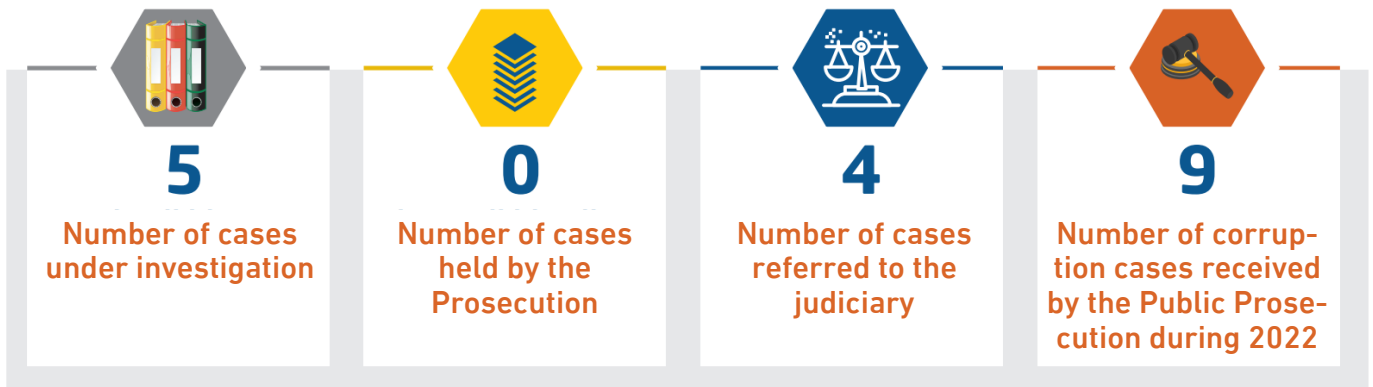
**Economic crimes related to corruption registered with the Prosecution**



In the GS, the number of suspicions of corruption crimes with the Public Prosecution reached nine cases that included: three cases on embezzlement of public funds, two bribery related cases and four on manipulation of the accounts of certain organizations. Four files and cases were referred to the competent court, while five cases are pending investigations.

42 See: Inquiry/Conflict of interest secretly and openly in government jobs...in absence of the law. ultrasawt.com

43 Public Prosecution of the State of Palestine, Twelfth Annual Report- 2021. Ramallah, Palestine, p. 81.



• Despite review of the official spokesman for the Public Prosecution in the GS pointing out the most prominent achievements of the Prosecution in 2022, details of its annual report remain withheld<sup>44</sup>; details such information on its activities and the extent of its commitment to strategic and action plans, and the integrity of its procedures before the courts in preserving the public rights, etc.

Complacency in performing public duties, embezzlement, bribery, abuse of trust like embezzlement, abuse of power, abuse of position constituted the most prominent forms of corruption in the public sector.



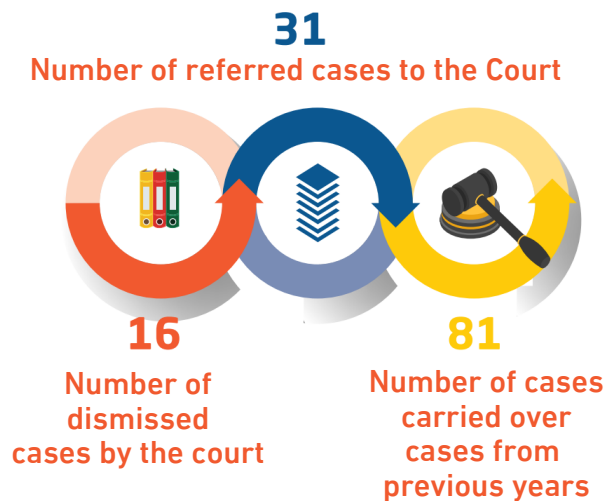
• **Cases pending before the Corruption Crimes Court**

During the year 2022, the main corruption charges for cases received, considered or adjudicated in the Corruption Crimes Court (CCC) were negligence in performing job duties, forgery of official and or personal documents, or using forged documents, bribery, obtaining personal benefits, abuse of trust, credit abuse and embezzlement, illicit gain, abuse of power and abuse of position.<sup>45</sup> 31 files from the Anti-Corruption Prosecution were referred to the Court, in addition to 81 cases that were carried over from previous years, of which only 16 were adjudicated; indicating accumulation and slowness in processing cases.

44 See: the public Prosecution presents its most prominent achievements for 2022. <https://media.gov.ps/ar/p/299>

45 Letter of the High Judicial Council's response to AMAN's Letter, dated 23/2/2023.

## Corruption cases before the Corruption Crimes Court in 2022



### In 2022, the Corruption Crimes Court issued 16 rulings

In 2022, Eleven rulings were issued by the CCC against public employees including one against an ambassador, on charges of embezzlement and bribery, while the other ten rulings were against employees of lower job grades (manager rank and under). The charges were mainly on embezzlement, abuse of credit, bribery, forgery of official and personal papers, obstructing justice and giving a false testimony. Also, five verdicts were issued, two of them were against members of LGUs local councils on charges of credit abuse and embezzlement, and three were against employees of those LGUs on charges of abuse of credit and forgery of personal documents. In reference to the issued rulings issued by the CCC, seven of them were appealed through the Court of Appeal; one was challenged by the Court of Cassation, while five cases were finalized along with two dismissed.

The vast majority of those accused of corruption hold lower jobs in the public sector; only one case is from the high-ranking category. In the meantime, 25% of the cases have been pending before the court for more than three years, two of which have been for 11 years

It is worth noting that the number of cases carried over from past years amounted to 96 cases; an increase of 15 cases from 2022. Moreover, the cases that were decided in 2022 were not received during the same year (i.e., in 2022). Also, 24 cases (25% of all cases carried over) have been pending for more than three years; two of them since 2011.

**Data received by the CCC from the Public Prosecution in 2022 showed that the most prominent charges related to corruption crimes are concentrated in forgery, whether forging official or personal papers, credit abuse, obtaining personal gains, abuse of power, embezzlement, abuse of position and bribery.<sup>46</sup>**

The public sector earned the highest percentage with 65% of the total cases received by the CCC that were referred by the Public Prosecution. While the LGUs accounted for 19% of the total cases received by the Court versus cases related to NGOs, which accounted for 16%.

The table below illustrates that the majority of those accused are from the public sector' lower ranks and that only one defendant is a high-ranking official.

<sup>46</sup> Letter of the Higher Judicial Council's response to AMAN's Letter, dated 23/2/2023.



### Cases received by the Corruption Crimes Court in 2022 by sector and Job status


| Place of employment | "Status "rank |      |   |                            |                           |                   |                       |                                  |
|---------------------|---------------|------|---|----------------------------|---------------------------|-------------------|-----------------------|----------------------------------|
|                     | Public sector |      |   | LGU                        |                           | CSO               |                       |                                  |
| Public sector       | LGU           | CSOs | Minister or Minister-rank Or Director of a public institution | General director Or higher | Employee Manager Or lower | Member of Council | Municipality Employee | Member of the board Or employ-ee |
| 20                  | 6             | 5    | 0   | 1                          | 20                        | 3                 | 3                     | 5                                |

In 2022, the competent courts in the GS<sup>47</sup> adjudicated 47 cases related to corruption crimes, while 32 cases were carried over to 2023.

59% of the pending cases have been adjudicated

**Corruption cases in the Gaza Strip Courts -2022**

- 46      **Corruption cases in the Gaza Strip Courts -2022**
- 33      **Number of cases carried over from previous years**
- 47      **Number of cases dismissed by the Court**



<sup>47</sup> Letter of the GS Higher Judicial Council's response to AMAN's Letter, dated 8/2/2023.





## **The Dates Issue: from prosecution to extortion; seizure of property by public officials**

The prosecution of whitewashing settlements' dates has been going on for more than three years. However, in 2022, it took a different turn... instead of referring the offenders to court, attempts were carried out to seize land suitable for growing dates worsened to include blackmailing a chief landowner and threatening him with the crime of whitewashing dates produced in Israeli colonies. This extortion was executed by influential parties in favor of a private real estate development company owned by influential individuals close to people in the president's office. In this regard, employees were appointed in the President's office as experts and managers to register and manage the funds of big owners. These same people are also authorized to sign for a company that tried previously to seize the mentioned owner's company through negotiations. This example clearly illustrates interference of the President's office in influencing the dates file and land seizure.

Conflict of interest suspicions seems to exist as a result of the continued bargaining deals conducted by individuals appointed by those in charge of a major date production company for the benefit of other companies in which they own shares, such as the date sorting deals. Lack of transparency and accountability of the company's appointees also continued due to the absence of reports and financial statements related to the management and operation of the company. This provides opportunities for corruption by the official authorities supervising this case and the persons in charge of management of the company, in addition to the infringement on the rights of the original owners of the company.

**In its 14th annual report, 2021, AMAN warned of disregarding the issue of whitewashing settlement dates by the justice authorities. AMAN also feared that this case will become a settling of accounts, extortion and or financial settlements issue. Therefore, AMAN sees that "it is essential to address the issue in accordance with the law and without any intervention by influential intermediaries."**

Although the Prosecution declared at the end of 2021 that it is pursuing certain businessmen involved in whitewashing of settlements' dates for investigations, these developments did not clearly show what deals or solutions are concluded behind the scenes away from legally binding procedures. This is made possible due to the absence of transparency of the investigations' procedures related to this crime that affects the economic, political and national security of the Palestinian society, in addition to the serious effects it has on farmers' resilience in the Jordan Valley.

**Source: The Coalition for Integrity and Accountability, AMAN-2021, the 14th Annual Report on the Status of Integrity and Anti-Corruption in Palestine. Ramallah, Palestine**



## Fourth: Recommendations:

Decline in the integrity of governance and increase in political corruption was nourished by the following factors and their ramifications in the Palestinian society: the continuation and deepening of the internal division, which created two political entities in the WB&GS where each one is more concerned about staying in power than caring for their citizens; preventing elections (legislative and presidential) hence disrupting democratic life; the Palestinian Political Authorities' obsession with power, exemplified by their control of appointments of decision-making positions without relying on transparency, competence, merit, fairness and eligibility, but rather on ensuring loyalty of those appointed; dominance of the executive authority over official oversight institutions as well as its control of law enforcement institutions, hence cancelling the principle of the separation of powers; the political authority's transfer of crisis from one year to the other with no solutions in sight for the next generation or two; the authorities' continuous attempts to weaken CSOs and exclude them from participating in policy making, defining national priorities or holding social accountability sessions of officials. All of the above reasons provided opportunities for the spread of political corruption through the adoption of policies and the issuance of several legislations and decisions that do not consider the public interest. It also further contributed to the loss of confidence in the political authority, state institutions and officials, in addition to increasing attempts of groups, unions and federations to search for individual solutions to ensure material gains, some at the expense of public interest.

In conclusion, all of the above practices by the political authorities will certainly disrupt civil peace and hinder every-day life and eventually will bring about the disintegration of the political system.

AMAN called on all CSOs, including unions, federations and NGOs to establish and lead a broad coalition that can play a pivotal role in imposing a serious reform process that elevates the national interest above all other interests whether factional or personal. This is an essential first step towards ending the division between the WB and GS institutions and for building democratic State institutions that are, effective, open and accountable-in line with the principles of the Declaration of Independence and provisions of the Amended Basic Law. A reform process that guarantees the exercise of public freedoms, expands civic space, develop mechanisms and means for public consultation that enhances citizens' participation and engagement in setting national priorities and in the decision-making process. Also, in developing and adopting preventive measures and procedures to immunizes society from corruption and prevent opportunities of political corruption, promote integrity, transparency and accountability in the public sector. Furthermore, criminalizing and prosecuting the corrupt and preventing impunity, especially for senior corrupt individuals is a priority. All of which will contribute to restoring citizens' confidence in state institutions and officials.

### Ending the division and enhancing the integrity of governance, it is important to:

- Stop all policies and actions that deepen the division, and focus all actions to end the division and reunite State institutions between the WB&GS to restore national unity.
- Adhere to the principle of the balanced separation of powers and cease all measures taken that increase the dominance of the executive over the judiciary.
- Set a date for holding general elections "legislative and presidential" and ensure that they are conducted freely and impartially by providing proper mechanisms that allow for the largest participation of citizens



to choose their representatives, and hence strengthen parliamentary oversight of government actions to prevent opportunities for political corruption.

- Build effective State institutions with officials that adhere to the values of integrity at work, and are subject to accountability, according to provisions of the Basic Law and in line with values stated in the Declaration of Independence and the Public Service Employees Code of Conduct.
- Cease all measures restricting the exercise of civil liberties, including activities of CSOs in the WB&GS. Also, stop all policies and procedures that restrict the CSOs participation in: setting national priorities, formulation of public policy and the practice of community accountability.
- Form a national committee to oversee the reform process from public figures who are known for their expertise, integrity, impartiality and independence, and also enjoy the trust and respect of the Palestinian people.
- Ensure that the judiciary is empowered by providing work requirements and is protected from interference by the political and security authorities.
- Affirm the recommendations of the Civil Coalition for Judicial Reform in terms of respecting appointment procedures of the Head of the High Judicial Council and other judicial positions; separate between the presidency of the Council as an administrative position and the presidency of the Supreme Court as a judicial position; allow community participation in the membership of the Council; strengthen the integrity system of the Council in the workplace, and in the formation of its committees and units; ensure its protection and independence of decisions.
- Review laws by decrees issued at the end of 2020 in order to safeguard sovereignty and partiality of the judiciary system. In particular, the judicial bodies responsible for administrative control over the work of public authorities, and ensure the integrity of appointments and promotions. Also re-establish the High Judicial Council (HJC) in accordance with the Judicial Authority Law No. 1 of 2002.
- Promote integrity, impartiality and independence in the structure, work and decisions of the Supreme Constitutional Court.
- Revise the Local Authorities Elections Law to restrict the discretionary power of the Council of Ministers in terms of postponing elections in some LGUs or holding them in stages. Also, demand a technical recommendation from the Central Elections Commission (CEC) stating that elections cannot be held in some bodies or in a specific geographic area.
- The existing authority in the GS must allow elections to be held in LGUs to enable citizens to choose their representatives, and to cease from establishing means that ensure control over access to governance mechanisms in these bodies.
- Require that all unions and federations adhere to an inclusive democratic process by holding elections periodically and according to the time specified in its legal frameworks; not to resort to quota or appointment methods as an alternative to elections; allow all political and intellectual orientations to engage in these unions to achieve membership and leadership diversity; prioritize union work over partisan loyalty to ensure rights and interests of its members.



### **Public Budget and Public Funds Management:**

- The government must adopt and adhere to a rationalization and austerity plan for public expenditures that takes into-account the equitable distribution of identified resources and burdens. It also must give priority to the health and education sectors in addition to programs that are in support of the poor and marginalized groups... in a way that contributes to the optimal use of national capabilities, resources and wealth for the benefit of citizens. And also improves the quality of services provided to citizens, especially marginalized groups and areas threatened by colonies and control of the occupation.
- The government and the president must commit to preparing and approving the public budget within the dates and deadlines specified in the amended Basic Law and Law No. 7 of 1998 for Regulating Public Financing and Budget to be issued before the beginning of the fiscal year.

### **Public positions officials must:**

- Ensure that their decisions serve the public interest based on the principle of justice.
- Adopt employment systems that are based on the principle of equal opportunities, and the implementation of the principle of competition built on competence and objective criteria (merit, fairness, eligibility) when filling job vacancies. This is vital to prevent the politicization of public employment and activate audit bodies including the SAACB, hence preventing any official to use public office for factional political purposes or to settle personal scores.
- Cancel the security clearance requirement in-line with the rulings of the Supreme Court Justice issued in 2012, to be replaced by a certificate of non-conviction issued by the Ministry of Justice.
- Establish a “quality governance committee” to consider appointments of candidates for senior positions (civil and security) in the public sector. Also, ensure that the authorities respect the set procedures related to competition, job vacancy announcement for the special and high categories; and look into related complaints; ensure clarity in methods of appointments of key State positions, as well as monitor their term in office to ensure their adherence to the law. This especially applies to ambassadors, governors, high-ranking security officers, heads of ministerial and non-ministerial institutions.
- Issue regulations included in the Security Forces Service Law of 2005 in order to implement the controls and conditions related to appointments and promotions in the security sector to ensure that the number of officers does not exceed the number of soldiers, but remains proportionally acceptable. It will also limit the increase in the proportion of expenditures in the security sector compared to the social sectors, and strengthen accountability mechanisms at work and among officials and employees.

### **In order to strengthen anti-corruption measures:**

- The government must adopt and implement the National Cross-Sectoral Anti-Corruption Strategy as a Cross-Sectoral Strategy in order to build a preventive and impenetrable integrity and anti-corruption system. It also must stop considering the anti-corruption file as a file entrusted only to the ACC in order for all parties to do their part in achieving the Plan.



- The government must put a stop to the political authority' interference in the work of the Public Prosecution, hence infringing on its independence.
- The government must put a stop to the Public Prosecution's bargaining with defendants to conclude an illegal settlement outside the court; or informally use coercion to obtain gains that are in the interest of private companies registered in its name.
- The Public Prosecution in WB&GS must publish their annual reports and data related to corruption crimes dealt with in terms of their nature, job status of suspects and parties investigated.
- The Public Prosecution in WB&GS must adopt a clear and systematic open policy towards CSOs and to develop partnership tools and consultations with them to advance public policies and enhance social accountability.

#### **At the public policy level:**

- The government must prepare and issue the law on the comprehensive and compulsory health insurance (Takaful). It also must establish a Health Insurance Fund as an independent entity financially and administratively under the jurisdiction of the Council of Ministers or the MoH, in order to improve the Palestinian health system.
- Officials such as the President, the Prime Minister, heads of public institutions, the judiciary and Prosecution must submit financial disclosures upon assuming their duties and continue to do so periodically in accordance with the adopted rules in the Anti-corruption Law. Disclosures must be kept in a register available to citizens, researchers and journalists or anyone who wishes to view it.
- The government must develop a gift acceptance system to include members of the political authority such as the President, Prime Minister, governors and ambassadors. The system must clearly and specifically distinguish between what is permissible as gifts and what must be absolutely rejected in addition to defining the ceiling for in-kind gifts hence refusing any gift that its price might exceed the allowed ceiling, as cash gifts that must be rejected. Also, the gift register in public institutions must be activated and made available to citizens, researchers and journalists.
- The government must improve the conflict of interest disclosure system as a preventive measure to include members of the "political authority" as the President, Prime Minister, governors and ambassadors, by activating it through the establishment of committees in ministries and public institutions as well as declaring it. It must also post the conflict of interest form on the website of ministries and public institutions for employees to access it, and to provide a register of interests in public institutions that is available to citizens, researchers and journalists.
- When distributing year-end bonuses, public institutions officials must adhere to the criteria specified in the Council of Ministers decision on the system of granting bonuses to civil servants in 2022, which is tied to the annual evaluation and distinguished work of the employee.
- The Council of Ministers must take the initiative to define its policy and instructions on the classification of administrative files as public information and files and determine what is confidential, and what should be published on their websites.



### **At the level of promoting compliance with the principles of transparency:**

- Implementation of the principles of transparency in governance practices, respecting the right of citizens to access public information, and allowing citizens to participate in the decision-making process related to public funds and affairs.
- The MoF must commit to publishing the eight financial documents in compliance with the Open Budget initiative, and to enable citizens to access and participate in the decision-making process related to the public budget and public expenditures, in particular.
- Demanding that the GS authority disclose financial statements related to the management of public funds in the Strip.
- The MoF in the GS must provide detailed information on public procurement by publishing periodic reports on government purchases; a summary of signed procurement contracts; information on directly contracted companies and reasons for contracting with them; the source of funds allocated for projects; and a blacklist of violating companies that have provided services and goods in previous years and the penalties imposed on them, according to the law.
- The Decree by Law on companies must be reviewed to include disclosure of the actual name/s of companies' owners, rather than registering only their representatives and board members.
- Regulations must be issued for the financial management of the security sector determining purchases that are of a security nature as stipulated by law. This is to ensure the organization of financial management in the security and military agencies and bodies.

### **Required by the Government:**

- Adopting the Right to Access Information Law, which includes the duties of officials and public employees to provide public information to citizens and enacting the National Archive Law while continuing to complete the electronic archiving system for all files in ministries and government institutions, as a necessary pre-emptive step to enforce the right to access information law.
- Completing the tools and procedures for the E-government.
- The government must publish all decisions issued by the Council of Ministers on its website and not only the titles of those decisions. In addition, the government must publish all legal, regulatory and financial documents voluntarily and make them available to the public free of charge and efforts. However, limitations can be applied to personal matters and data, trade secrets, confidential foreign relations, and any information that might harm national security.
- Announcing the results of the investigation committees formed to examine and follow up on encroachments on state lands, including identifying violators, and the actions taken against them. Publishing the names of individuals benefiting from state land and making available data related to individuals, officials, and party members who have obtained special privileges for themselves or their relatives from state land and endowment properties; with the condition to use in the WB&GS.





- Decisions related to public affairs issued by the Government Work Follow-up Committee in GS must be published in full, not titles only. Legal, regulatory, and financial documents including decisions, statistics, and public contracts must also be published voluntarily and made easily and quickly accessed by the public and free of charge.
  - The authority in the GS must provide an opportunity for community consultations and discussions by different parties and partners from the private and civil sectors, such as CSOs, specialized research centers, unions, and partner associations when discussing public policies for Strip.
  - The PA must publish the documents related to the management of the gas sector, including those related to the Eastern Mediterranean Gas Forum. In this regard, Palestinian rights and obligations in this field, as well as the MoU, agreements with external parties, and the government's decisions regarding the establishment of the Palestinian gas company must all be made public.
  - Informing the Higher Council for Public Procurement Policies regarding exception requests for direct purchasing, in its capacity as the official body responsible for monitoring tenders and reviewing exceptions in procurement operations, in accordance with the Public Procurement Law, and to publish all procurement tenders on the unified portal for public procurement.
  - Public institutions, ministries, civil institutions, and companies that provide or manage public services such as electricity, water, communications, etc., are required to publish their annual reports in consistence with the principle of citizens' right to access public reports of administrations that provide public services.
  - The SAACB in the GS is required to publish its annual report on its supervisory work on government institutions, LGUs, and CSOs. It also must go beyond submitting the report to Legislative Council (Reform and Change Bloc), but monitor and follow up on the extent of the institutions' response to its recommendations and requests submitted.
  - The ruling authority in the GS must publish results of investigations carried out by the fact-finding committees authorized by it, and those formed by the Legislative Council (Reform and Change Bloc).
  - The National Committee for Combating Money Laundering is obliged to publish its annual reports to the public.
  - The Council of Ministers is required to publish the agreements and obligations of the Palestinian government and future generations contained in the concession contract for the Sorrooh Energy Shareholding Company. The Council must also disclose the link between the PA affiliated investors and their investment in the company.
  - Public institutions and security agencies are also required to publish their annual reports on their respective websites, as well as their annual plans.
- public institutions in the GS



## Strengthening the Accountability Systems in the Public Sector:

- Adopting a clear and comprehensive concept of accountability in public institutions through the provision of periodic reports on the institution or ministry's performance. These reports should clarify the institutions' decisions and policies, demonstrate a willingness to assume responsibility for the consequences, and commit to reporting on their work, highlighting strengths and weaknesses, and the success or failure of policy implementation in practice.
- Eliminating encroachments on state lands according to the law. Also, decisions issued against violators must be implemented to ensure that they are held accountable for their transgressions.
- Public institutions in the GS, including ministries and non-ministerial bodies, should submit annual reports on their work to official reference body. The reports should not only present achievements but also link them to ministry plans and the challenges they face, including any unfulfilled plans that were approved and adopted.
- The intelligence agency in the GS should publish reports on violations, punishments, and disciplinary actions against officers and members of security agencies and or the results of investigation committees.
- The government should perceive the unified system of complaints as a mechanism for monitoring the seriousness of addressing citizens' complaints, and not just as a tool for providing statistics on the number of complaints and what was processed and closed, in both the WB and GS.
- The necessity of duly adopt the Medical and Health Protection and Safety Law in the Gaza Strip in order to protect all parties involved and hold them responsible. Also, to regulate the relationship between the official and private health entities in the sector; the affected parties; the prosecution, the judiciary, and the documentation of human rights in claims of neglect and medical errors; and for the establishment of a national registry for medical errors. It is also beneficial to create of an evaluation and monitoring system in healthcare institutions to determine responsibility.
- Expedite the issuance of the Franchise Law to define the rules governing the mechanism for granting concessions, and to issue the Competition and Anti-Monopoly Law.
- The need to issue a special regulating work law for the Palestine Investment Fund as a sovereign fund in accordance with the provisions of the amended Basic Law.
- It is essential to enact the General Petroleum Authority Law as stated in the previous AMAN recommendations. Also, to enact laws specific to government companies that provide services or are partners with the private sector in providing services to citizens such as gas and public transportation.
- The need to approve a special law regarding governors that specifies the conditions for their appointment based on competence and experience; clarifies their duties and limits of authority as well as mechanisms for holding them accountable.
- Criminalizing acts of corruption in the private sector (public shareholding companies and companies managing public facilities).



- The need to rectify the situation of a number of public institutions by issuing a special law to regulate their work and specify their reference body; such as the General Administration of Crossings and Borders, the National Popular Conference on Jerusalem, the Central Arms Directorate, the Supply and Procurement Authority, the National Security...etc.
- The GS authority must activate the Illicit Gains Law to ensure the development of preventive tools to protect public funds.

#### **At the Level of Criminalizing and Prosecuting Corruption and Corrupt individuals:**

- The ACC must stop referring cases related to individuals, enjoying immunity, who committed administrative violations to the President for solutions, as this power is outside his competence. As all other similar cases, the ACC should refer them to the competent authorities as required by law.
- To ensure the independence of the Public Prosecution and to prevent political interventions, the Attorney General's reference must be reinstated to High Judicial Council. Furthermore, the prosecution office must enhance its capacities and capabilities to complete the backlog of investigative files related to corruption, and to limit this accumulation in order not to disrupt the principle of accountability and prevent impunity for the most corrupt people.
- The High Judicial Council must adopt measures and procedures to expedite the adjudication of cases before the Corruption Crimes Court, and shorten the time limits and deadlines for adjudication proceedings in cases before the Courts of Appeal and Cassation, in order to avoid impunity, and also to enhance citizens' confidence in the judiciary.

• **Annex No. (1) AMAN's recommendations in 2021 and responses in 2022**

| Recommendations of the Status of Integrity and Anti-Corruption Report- 2021  | Relevant decisions of the Palestinian government during 2022 |
|--|--|
| <b>At the level of government policies</b>   |  |
| Respect for the rule of law; build effective institutions with responsible officials who adhere to the values of integrity and are held accountable in accordance with the Palestinian Basic Law and in line with values of the Declaration of Independence Charter and the Code of Conduct for public service positions.  |  |
| The legislative authority's recognition of the <b>importance of setting a date for elections</b> (legislative and presidential) asap that would provide wide citizen participation in order to restore balance in the political system (i.e., a balanced separation of powers) and to strengthen parliamentary oversight hence preventing political corruption.  |  |
| Establish a permanent and <b>comprehensive disaster management system</b> that is capable of addressing each stage of the disaster properly. In addition, the system must provide clear instructions terms of plans and procedures needed when facing emergency situations. It should also be clear in assigning tasks and responsibilities, especially with regard to the collection and distribution of aid, which should be assigned to the Ministry of Social Development (MoSD) in partnership with other competent parties (governorates, LGUs, emergency committees etc.). Furthermore, it is important to develop the partnership with the civil and private sectors to ensure that citizens are safe and the country is run as best as possible under such exceptional circumstances, not to mention ensuring that social assistance is being distributed fairly. |  |
| Adopt an open policy towards civil society to include the basic principles for respecting this sector's work and to view it as a partner, not superficially, but to include its representative in public decision making as well as to ensure that all officials and employees of public institutions act in line with this policy on the ground.  |  |



|  |  |
|--|--|
| <p><b>The government must adopt</b> and commit to an austerity and rationalization plan that considers fair distribution of resources and burdens, and to give priority to the health sector and programs supporting the poor, the marginalized, needy groups and to citizens living in areas threatened by the colonizers and the taking-over by the occupation.</p>  | <ul style="list-style-type: none"> <li>• Approval of the government reform plan in the Council of Ministers' meeting held on 27/4/2022                         <ul style="list-style-type: none"> <li>✓ Financial reform by reducing the payroll bill by downsizing it; increasing government revenues by horizontal expansion of tax collection, especially the VAT; enacted a specific law for this purpose.</li> <li>✓ Health sector reform through reforming the insurance system; setting a ceiling for medical referrals; tightening procedures for the purchase of medicines.</li> </ul> </li> <li>• In its 27/12/2022 session, the Council of Ministers approved a job description of a "management and reform expert" to work with the Secretariat at the Council.</li> </ul> |
| <p><b>The security sector:</b> based on a review of the Palestinian experience over the past 27 years in this area, a comprehensive restructuring of this sector is necessary and must include all of its institutions apparatuses, size, and needs in terms of number and budgets needed. This is essential in order to enhance the effectiveness of the police force and to strengthen the sector's structure.</p> |  |
| <p>No new public sector's appointments (civil and security) must not take place for a period of time except when necessity dictates. In addition, it is important to ensure that competition procedures for job vacancies are adhered to, and to establish a "governance quality control committee" to monitor the integrity of public appointments.</p>   |  |
| <p>The structure and discourse of public media institutions must be reviewed in order to reflect the aspirations and concerns of the various social segments of the Palestinian society and its political opinions and to promote national unity, since it is its duty to represent all citizens. This requires the issuance of a governing legislation.</p>   |  |



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| <p>The government must adopt the Anti-Corruption Cross-Sectoral Strategy as one of the cross-sectoral strategies under its wing through the usual mechanisms used to adopt strategies by the Council of Ministers and to oversee its implementation. This is vital for building a system of integrity and anti-corruption. The government must also stop considering the anti-corruption file is solely the responsibility of the ACC, but rather it should oversee the implementation of the strategy by ensuring that each entity is responsible for implementing its share of procedures and activities hence goals are achieved.</p> |  |
| <p>The government must adopt a firm and binding policy to prevent the politicization of the public service; activate the role of oversight bodies including the SAACB to hold accountable any official who uses the public service office for factional political purposes or to settle personal accounts.</p>   |  |
| <p>Emphasize the recommendations of the National Coalition for Judicial Reform by: respecting the procedures for appointing the Head of the Higher Judicial Council and other judicial positions; separating the position of Head of the Higher Judicial Council as an administrative position and the Chief Justice of the Supreme Court as a judicial post; allowing community participation in the Higher Judicial Council; strengthening the integrity system of the Council including formation of its committees and units; repeal subsequent legislations on the judiciary and CSOs.</p>  |  |
| <p><b>At the level of promoting integrity values in the conduct of public service officials and employees; Policies and measures to be adopted:</b></p>  |  |
| <p>At the level of the health system: the issuance of a Mandatory Health Insurance Fund Law that is inclusive and fair to all citizens (a comprehensive health insurance system) and considers the poor and marginalized groups is a must. The law must ensure that the Fund enjoys administrative and financial independence and be annexed to the Council of Ministers or the MoH, as an entity.</p>   |  |
| <p>Amending the Local Bodies Elections Law to restrict the discretion of the Council of Ministers with regard to the postponement or holding of elections through phases in these units unless there is a technical recommendation from the Central Election Commission (CEC) indicating that elections could not be held in some specific bodies or a certain geographical area.</p>  |  |
| <p>The authority in the Gaza Strip must allow elections to be held in LGUs to allow citizens to choose their representatives in these councils.</p>  |  |





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| <p>Issuing the executive regulations of the Security Forces Service Law in order to apply the rules and regulations related to appointments and promotions within the sector. This will help keep a balance of the number of officers vs. the number of soldiers. It will also limit the increase in spending of the sector compared to other social sectors.</p>   |  |
| <p>Develop the gift receiving system in public service positions specifying clearly what is acceptable and what is absolutely unacceptable. The system should also set a ceiling for the in-kind gifts and specify clearly that any gift in kind that exceeds the specified ceiling should be considered as a cash gift and hence must be rejected, and to be very strict if the gift is given to a senior officer or the like. Needless to mention that all violators must be referred to the ACC.</p> |  |
| <p>Review of all laws by decrees issued at the end 2020 in terms of ensuring the independence and impartiality of the judiciary, especially judicial bodies that oversee the administrative aspect of public institutions and safeguard the integrity of appointments and promotions within it. Also, to reconstruct the permanent Higher Judicial Council in accordance with the Judiciary Law No. (1) of 2002.</p>  |  |
| <p>Implement the government's conflict of interest system through committees that are formed within ministries and other public institutions in addition to publishing the conflict of interest form on the ministries' websites to allow access to citizens.</p>   | <p>The Council of Ministers requested the formation of committees that are stipulated in the Conflict of Interest Disclosure System.</p> |
| <p>Issue a financial system specifically for financial institution that define sensitive security-based purchases as stipulated by law, in order to regulate the financial management in the security and military institutions and apparatuses.</p>  |  |



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| <p>Put a stop to encroachments on state land in accordance with the law; carry out all decisions issued against violators and ensure that they are held accountable for their transgressions.</p>  | <ul style="list-style-type: none"> <li>• Issuance of the Law by Decree No. (3) of 2022 to amend the Law by Decree No. (22) of 2018 on protection of state land and property in issue No. 18 of the official Newspaper.</li> <li>• Approval of the special follow-up committee's recommendations entrusted with the elimination of encroachments and attacks on state Land in the Jericho Governorate; Council of Ministers Decision on 7/3/2022.</li> <li>• Establishment of local technical committees in the governorates from directors of government departments at the directorates to prevent and combat encroachments on state land, headed by governors in each district; Council of Ministers' Decision on 28/3/2022.</li> </ul> |
| <p>Call on CSOs to strengthen governance within their institutions through applying the specific Code of Conduct (COC) and commitment to principles and standards of good governance, in order to strengthen citizens' trust in CS's work.</p>   |   |
| <p>It is essential to centralize documentation and publication of data related to social assistance including those provided by the Zakat committees through the unified portal for social assistance in order to avoid any abuses in this area.</p>   |   |
| <p><b>At the level of enhancing transparency in public service performance participate and allowing citizens and their representatives to in public decisions, the following policies and actions must be adopted:</b></p>   |   |
| <p>Apply the principles of transparency in governance; respect the right of citizens to access public information and participate in decision-making in the management of public funds and affairs.</p>  |   |
| <p>The government must define its policy and put forth clear instructions on classifying information by defining what is administrative and hence is public and must be published on its website and what is confidential and therefore is secretive.</p>  |   |
| <p>Adopt the "Access to information Law" which specifies that it is the duty of officials and public employees to provide public information to citizens; approve the National Archives Law while at the same time work to complete the electronic archiving system for all files in ministries and other government institutions, as a first step to approving the mentioned law.</p> |   |



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| <p>It is urgent for the government to accelerate the completion of the e-government.</p>  | <ul style="list-style-type: none"> <li>• The Council of Ministers launched the electronic application “Hukoumati” to provide services through the e-government service system</li> <li>• the government launched the electronic portal (I'mal) on the Ministry of Labor’s website to register Palestinian job seekers electronically in four different labor markets.</li> </ul>  |
| <p><b>At the financial level, the MOF must be obliged to:</b></p>   |   |
| <ul style="list-style-type: none"> <li>• <b>Follow-up</b> on the implementation of the Expenditure Management Policy 2021-2023 on public finance management and expenditure rationalization.</li> <li>• <b>Publish the eight financial statements</b> in harmony with the Open Budget Initiative for citizens to see; allow citizens’ representatives to participate in the shaping of decisions related to the public budget and public expenditures in particular.</li> <li>• <b>Publish the full and detailed data on public debt</b>, including arrears, debt owed to the Pension Fund Authority, bank debts and money owed to public employees.</li> <li>• <b>Address gaps and channels that lead to financial leakage:</b> mainly it is channels that exists in the economic and financial relationship with the Israeli side.</li> <li>• <b>It is essential to commit to:</b> paying the <b>debt owed to the Pension Fund Authority</b> by closing the settlements file; paying monthly fees and contributions regularly; and review the retirement system for political office holders. This is of great importance due to it is infringement on public employees’ right to justice and equality in addition to being a heavy financial burden on the public budget. Moreover, replace this system with other mechanisms that guarantee the financial rights of political office holders is in line with international trends that provide end-of-service bonus or a lump sum granted for a transitional and specified period of time.</li> </ul> | <ul style="list-style-type: none"> <li>• The establishment of an institutional unit specialized in addressing and following up on all issues related to net lending to ensure sustainability of the LGUs service provision to citizens; Council of Ministers Decision on 17/1/2022.</li> <li>• A specialized committee was formed from the MoF, GPC, Pension Fund, Ministry of Justice, and the military financial administration, to review and evaluate salaries of all employees as well as the Civil Service Law and to submit its recommendations to the Council of Ministers. Council’s decision on 27/4/2022.</li> <li>• Ratification of the General Petroleum Corporation Law; sent to the President of the State of Palestine for proper issuance; Council’s Decision on 16/5/2022.</li> <li>• Approval of the national strategy to raise capacities and professionalism in the field of public procurement in Palestine; Council’s decision on 19/12/2022.</li> </ul> |



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| <ul style="list-style-type: none"> <li>• <b>Adopt a progressive Palestinian tax system</b> that provides tax and social justice for citizens.</li> <li>- Demand that the authority in the GS disclose financial statements related to the management of public funds in the Strip.</li> <li>- Publish all government decisions on public affairs on the official website of the Council of Ministers (i.e., not titles only). The government should also voluntarily publish all legal, financial and organizational public documents, and to ensure that they are easily accessed by the people free of charge. This does not apply to confidential and or personal or international relation secret documents or any information that might harm national security.</li> <li>- Publish all documents on the gas sector management. This should include documents on the Eastern Mediterranean Gas Forum agreement detailing Palestinian rights and commitments in this area, as well as disclosure of the government’s decisions regarding the establishment of the Palestinian Gas Company.</li> <li>- Inform the Higher Council for Public Purchase of requests for exceptions of direct purchases, given that it is the official party in charge of tenders and of reviewing exceptions for purchases, according to the Public Procurement Law. In addition, all public purchase bids must be posted on the unified public purchase portal.</li> <li>- Stemming from citizens’ right to access public reports, it is important that all public institutions, ministries, NGOs and companies that manage or provide public services such as electricity, water, telecommunications etc. publish their annual reports through the various means available.</li> <li>- The government must publish the procedures related to amount of money collected previously received by ministers upon raising their salaries; and the specific achievement of completing those procedures.</li> </ul> | <ul style="list-style-type: none"> <li>• Initial approval of the establishment of the Palestine Electricity Company; Council’s Decision on 27/4/2022.</li> <li>• Issuance of the Civil Servants System No. (21) of 2022 on granting bonuses to civil servants; Council of Ministers Decision on 19/12/2022.</li> </ul> |
| <p><b>At the level of Anti-corruption and prevention of opportunities for its spread, a number of policies, these measures and procedures must be taken:</b></p>   |  |
| <p>To accelerate the issuance of the Concession Law, and the Competition and Antitrust Law.</p>  |  |
| <p>To issue a specific law to regulate the work of the Palestinian Investment Fund as a sovereign fund, as stipulated in the Basic Law.</p>  |  |



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| <p>To pass the General Directorate of Petroleum Law, as previously indicated by AMAN's recommendations. To also issue regulating laws for government companies that provide services or are in partnership with private sector companies that provide services to citizens such as the gas and public transport companies.</p>   |  |
| <p>To approve a law to regulate governors' appointments, where it defines conditions based on competence and experience, as well as to define duties, powers and accountability mechanisms.</p>  |  |
| <p>To grant the ACC the discretion and the right to protect anyone found to have properly reported alleged corruption suspicions and was threatened or retaliated against due to his/her reporting, even if he/she did not formally request protection.</p>  |  |
| <p>To criminalize corruption acts in the private sector's public shareholding companies and companies that run public facilities.</p>  |  |
| <p>To ensure that the National Anti-Money Laundering Commission commits to publishing its annual progress reports.</p>   |  |
| <p><b>At the level of strengthening accountability systems in public institutions, it is important to implement the following procedures:</b></p>  |  |
| <p>Adopt a clear and comprehensive concept of accountability in public institutions. This requires first and foremost the provision of detailed periodic progress reports that illustrate decisions and policies and the readiness to bear responsibility for them. To also illustrate the pros and cons and the extent of success or failure of these policies in the implementation of programs and projects.</p>  |  |
| <p>Establish a "quality control governance committee" to oversee and guarantee transparency of appointments in senior positions, and to ensure that candidates meet the job description requirements prior to the appointment. The committee must also control and ensure that their term in office does not exceed the period allowed by the law. This applies especially to ambassadors, governors, heads of security institutions and heads of ministerial and non-ministerial public institutions.</p> |  |
| <p>Enforce accountability for all officials responsible for the recent crises, since they are responsible for actions of their staff, and stop ignoring the reports and recommendations of the fact-finding commissions.</p>   |  |
| <p>It is necessary to complete the security institutions' work regulations as required by the Security Forces Service Law of 2005 in order to be able to hold officials and employees accountable for their actions.</p>   |  |
| <p>It is important to accelerate the establishment of a specific financial system for the security services and to identify purchases of a sensitive security nature.</p>  |  |



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| <p>The unified complaints system must be dealt with as a control mechanism in terms of the seriousness of examining and addressing citizens' complaints, and not to be content with statistics reports in this regard, as has been the case thus far.</p>              |  |
| <p>In order to effectively control companies that provide telecommunications to citizens and in accordance with resolution No. (37) of 2021, commitment must be shown to establish the Palestinian Commission for the Regulation of the Telecommunications Sector.</p> |  |



**AMAN**  
Transparency Palestine



AMAN was established in 2000 as a civil society organization that seeks to combat corruption and promote integrity, transparency and accountability in the Palestinian society. The Coalition was first formed by an initiative from a number of civil society organizations working in the field of democracy, human rights and good governance. In 2006, the Coalition was accredited as a national chapter for Transparency International.

AMAN is a Palestinian think tank and a specialized body providing knowledge on corruption at the local and regional level through producing specialized reports and studies. The periodic publications include: The annual Integrity and Anti-Corruption Report, the annual Palestinian Integrity Index and the National Integrity System studies and reports, in addition to the Coalition's continued contributions to produce reports and studies on the status of corruption in the Arab region.

As part of the global anti-corruption movement - and of international alliances and partnerships with relevant specialized coalitions and organizations - AMAN plays a key role in the transfer and contextualization of necessary international knowledge and tools to combat corruption in all sectors.

Website: [www.aman-palestine.org](http://www.aman-palestine.org)

Email : [info@aman-palestine.org](mailto:info@aman-palestine.org)

AmanCoalition

Ramallah, Irsal St, Remawi Building , 1st floor

Tel : 2989506 2( 970+) 2974949 2 (970+)

Fax : 2974948 2 (970)

Gaza-Southern Rimal - Habboush St. - Sub of Martyrs St. Dream

Tel : 082884767

Fax : 082884766

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**When he who holds the power becomes its merchant,  
both the power and the trade are corrupted**



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