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من أجل

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Transparency Palestine

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**Administrative Appointments
in the
Tenth Palestinian Government
as stipulated in the
Cabinet's Resolutions***

* A Descriptive report

December 2008

Introduction

The policy of the Hamas-led Tenth Government towards appointments and promotions in the public sector might be best examined through a descriptive report based on facts rather than on a simple comparison to former Fatah-led governments. For various reasons, these governments did not break away from factional influence in appointing for junior or senior positions in the public sector.

For the preparation of this report, AMAN adopted an objective approach and offered recommendations to put an end to the continuous exploitation of the public sector for factional purposes. AMAN seeks to reinforce transparency in civil-service positions, holding people who occupy these positions accountable to the public. AMAN relied here on the Civil Service Law of 2005, which is the legal framework regulating the recruitment process of civil servants in public institutions. The Civil Service Law also constitutes the reference for the appointment and promotion of personnel.

After reviewing all of the resolutions issued by the Tenth Government since it took office in July 2006 following Hamas victory in the second legislative elections, the reports concludes that:

1. Appointment-related general resolutions, such as resolution No. 06/11/10/M.W/A.H –which permits the appointment of a Chairperson or the office manager of the Prime Minister’s office at the level of Director-General, grade A4 – as well as resolution No. 06/02/10/M.W/A.H –which was issued within the context of justifiable urgent appointments without defining what constitutes urgent and justifiable circumstances – granted all ministers the power to appoint unlimited numbers of employees on the grounds of justifiable urgent appointments, and in coordination with the responsible minister, the Secretary-General of the Cabinet and the Minister of Finance. Such appointments shall also be made in accordance with the mechanism and sequence agreed upon by the Secretary-General along with the Minister of Finance. Appointments shall also be compatible with the organizational structure of each ministry, its needs, and the budget.
2. Special appointments to ministry staff were the subject of three resolutions including an important indicator: the admissibility of appointing an unlimited number of staff for each minister. For example, in Resolution No. 06/07/10/M.W/A.H, issued on 16/5/2006, the Cabinet specified a new recruitment mechanism for ministers concerning escorts or advisers. These appointments shall be made according to employment contracts included under the urgent-expenditures items of the budget allocated for the minister’s staff, up to a specific number until a solution is found for both the budget and appointments based on vacancies. However, new appointments or vacancy replacements shall be referred to the Ministry of Finance to meet the required procedures. The second Cabinet resolution, dated 27/6/2006, approved the financial allocations for the Minister’s escorts in the Northern Districts. On 4/7/006 another resolution was issued within the same context which approved the provision of financial allocations for the appointment of ministers’ escorts without specifying their numbers, grades, or entitlements.

3. Some resolutions endorsed actions like the assignment of a certain employee to the personnel of one of the ministries, then transferring him or her to another institution while maintaining their grade and entitlements, or effecting such transfer to another institution followed by promotion to a higher managerial rank. For example, the appointment of Mohammed Hussein Abed included two provisions: appointment as a consultant with the rank of a High Court Judge at the Council of Fatwa (the Palestinian Jurisprudence and Legislation Bureau), then his transfer to the Cabinet as a legal counselor with the same rank, salary and entitlements.

4. The appointment policy of the Tenth Government included a number of decisions according to which some employees were removed from their positions and transferred to other jobs. Such was the case with the appointment of Bashar al-Karmi as the new Deputy Minister of Health after the transfer of former deputy Dr. Adnan al-Masri to a new position as Minister's Advisor without his consent. This policy can only be described as one of elimination and replacement.

5. It was not possible to accurately count all appointments at levels lower than Director-General, as they do not require cabinet approval but are decided by the minister who then notifies the General Personnel

Council for execution. However, after much scrutiny with the General Personnel Council, it seems that the new government adopted a new appointment policy. This policy relies on special employment-contract templates created jointly by the ministry in question and the Ministry of Finance. These new contracts specify the name of the new employee, the position and the job description without documenting such details at the General Personnel Council level. This may be caused by the exhaustion of all vacancies specified for 2006. Apart from some new senior appointments in the Ministry of Education and Higher Education, accompanied by the removal of its Deputy Minister, Jihad Zakarneh, and his subsequent reappointment as an advisor, the majority of other appointments was made in accordance with the annual need for teachers. Around 2,500 ministry appointments were made within the civil service, mostly without adherence to the normal recruitment requirements of the Civil Service Law, which stipulates advertisement of vacancies and the formation of official committees for the selection of candidates.

6. AMAN's report managed to account for approximately 5,000 new employees who were absorbed into the security agencies. The figure represents the Executive Force members supervised by the Ministry of Interior particularly in Gaza Strip.

Below is a review of the special appointment-related resolutions taken by the Tenth government since it assumed power in July 2006. Appointments are listed according to employing institution and the name, position and grade of new recruits. In some cases, resolutions were issued twice which appears to have been done for the sole purpose of modifying the job title of the employee in question.

Appointments at the Cabinet

No.	Name	Position	Grade
1	Ghazi Hamad	Official Spokesperson of the government	Deputy A1
		Official Spokesperson and Media Spokesperson of the government	Deputy A1
2	Aziz Kayed	Assistant Secretary-General of the Cabinet for the northern governorates	Deputy A1
		Deputy Secretary-General of the Cabinet	Deputy A1
3	Yousef Mahmoud Saleh	Political Adviser to the Prime Minister	Deputy A1
4	Mohammad al-Madhoun	Head of the Prime Minister's Office	Deputy A1
5	Wa'el Baker Abd-Elaal	Director-General of the Prime Minister's Office	A4

Appointments at the Ministry of Health

No.	Name	Position	Grade
1	Masud al-Hashash	Director-General of the Legal Affairs Unit	A4
2	Bashar al-Karmy ¹	Deputy Minister of Health	Deputy A1
3	Majed Abdul Majeed Dweik	Strategic Planning and Health Policies Consultant	A4
4	Husam Mohammad Khreim	Assistant Deputy, General Administration for Financial and Managerial Affairs	A2

Appointments at Ministry of Labor

No.	Name	Position	Grade
1	Rafeeq Salem Maki	Deputy Minister ²	Deputy A1

1 He was appointed after transferring Dr. Adnan al-Masri from his position as a deputy minister to an advisor to the minister.

2 The Ninth Government Resolution no. (07/50/09/A.W/A.Q) was cancelled

Appointments at Ministry of Education and Higher Education

No.	Name	Position	Grade
1	Zaid Naeem Qamhyeh	Assistant Deputy, Administrative Affairs	Deputy assistant A2

Appointments at the Ministry of Justice

No.	Name	Position	Grade
1	Mohammad Hussein Abed	A counselor with a grade of a higher court judge in the Council of Fatwa ³	
2	Omar Ahmad al-Barsh	Deputy Minister of Justice	Deputy A1
3	Ismail Abdul Qader Jaber	Assistant Deputy to the Legal and Professional Affairs	A2

Appointments at Ministry of Information

No.	Name	Position	Grade
1	Farid Abdul Fatah Dheir	Adviser to the Minister	A1
2	Musa Juma'a al-Sammak	Director-General of Internal Control	A4
3	Hasan Mohammad Abu Hashish	Assistant Deputy Minister	A2

Appointments at Ministry of Finance

No.	Name	Position	Grade
1	Mohammad Musa Jadallah	Assistant Deputy Minister	A2
2	Samer al-Birawi	Assistant Deputy	A2
3	Ismail Mohammad Mahfuth	Deputy Minister	A1

Appointments at the Ministry of Women's Affairs

No.	Name	Position	Grade
1	Rehab Mohammad Shbair	Deputy Minister	A1

³ The resolution also stated that Mohammad shall be afterwards reappointed to the Cabinet Office in his Capacity as a Legal Advisor to the Prime Minister at the same grade, salary and entitlements.

Appointments at Ministry of Public Works and Housing

No.	Name	Position	Grade
1	Farid Mohammad Zeyadeh	Director-General to the minister's office	A4
2	Ibrahim Abd Alra'ouf	Assistant Deputy Minister	A2
3	Yaser Abdul Rahman al-Shanti	Director-General of the Procurement Department	A4

Appointments at Ministry of Agriculture

No.	Name	Position	Grade
1	Ibrahim Abdel Majeed al-Qidreh	Assistant Deputy Minister for southern areas	A2
2	Ali Ahmad Ghayyadah	Assistant Deputy to Administrative and Financial Affairs	A2

Appointments at Ministry of Interior and National Security

No.	Name	Position	Grade
1	Hamdi Mohammad al-Sharif	Adviser to the Minister and National Security	A4
2	Ibrahim Isa Salah	Director-General of the minister's office	A4

Appointments at Ministry of Transport

No.	Name	Position	Grade
1	Sa'ed Salim Ammar	Director-General of Air Transport	A3
2	Faidy Mahmoud al-Tamimi	Assistant Deputy for Northern Districts Affairs	A2
3	Adnan Abu Auda	Director-General of the Minister's Bureau	A4

Appointments at Ministry of Foreign Affairs

No.	Name	Position	Grade
1	Sa'ed Talal Al Dahshan	Director-General of Follow-Up and Coordination in the Minister's Office	A4
2	Mohammad Taher al-Nono	Director-General of the media unit	A4

3	Diaa Eddin Sa'ed al-Madhoun	Director-General of the General Administration of Legal Affairs and International Covenants	A4
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Appointments at Ministry of Detainees Affairs

No.	Name	Position	Grade
1	Mohammad Abdullah al-Katri	Assistant Deputy Minister (Ministry of Detainees Affairs)	A2

Appointments at Ministry of Local Governments

No.	Name	Position	Grade
1-	Sufyan Ibrahim Khalil Abu Samrah	Appointed in the Ministry of Local Governments and promoted to Deputy Minister ⁴	A1
2-	Fawaz Mohammad Rabaiah	Designated as Director-General for public relations and then to be promoted	A4

Appointments at Ministry of Waqf (Religious Endowment) and Religious Affairs

No.	Name	Position	Grade
1	Abd Allah Ismail Abu Jarbou'	Assistant Deputy Minister (Ministry of Waqf)	A2
2	Saleh Hussein Al Raqub	Minister's Adviser	A1
3	Fathi Abd Al Aziz Amro	Appointed and promoted to Director-General for Administrative Affairs	A4

Appointments at the Monetary Authority

No.	Name	Position	Grade
1	Jihad Khalil al-Wazir	Deputy Governor of the Monetary Authority	

Appointments at authority of the Energy and Natural Resources

No.	Name	Position	Grade
1	Kanaan Sa'id Ebeid	President of the Energy and Natural Resources Authority	

⁴ The resolution also revoked the ninth Cabinet's resolution no. (24/48/09/M.W/A.Q)

Appointments at the Palestinian Legislative Council

No.	Name	Position	Grade
1	Abd Al Qader Sarsour	Transferred from the Ministry of Health to the Legislative Council and appointed as Director-General to the office of Speaker of the house.	A4

Appointments at Ministry of Social Affairs

No.	Name	Position	Grade
1	No name specified	Manager of the National Committee for Drug Prevention	Director C

Appointments at the Commission of Industrial Cities

No.	Name	Position	Grade
1	Ismail Ahmad Abu Alaa	Appointed and promoted from employee to the Commission's Director-General	A4

In addition to the above appointments, and based on a recommendation from the Minister of Finance, the Cabinet issued a resolution on 20/6/2006 which:

1. Endorses the 2006 estimations as indicated in the table below:

Ministry/ Public Institution	Number of required vacancies
Ministry of Education and Higher Education	2,500
Ministry of Health	1,170 (provided that they are not administrative appointments)
Ministry of Waqf and Religious Affairs	60
The Cabinet	50
High Judicial Council	30
Legislative Council	25
State Audit and Administrative Control Bureau	15
Ministry of Finance	50
Ministry of Interior	16

Ministry of Planning	40
Ministry of Tourism and Antiquities	6
Ministry of Labor	11
Ministry of Youth and Sports	2
Ministry of Jerusalem Affairs	10
Ministry of Justice	11

Ministry	Number of required vacancies
Ministry of Transport	1
Public Prosecution	1
Ministry of Social Affairs	4
Ministry of Civil Affairs	1
Ministry of Local Government	12
Ministry of Detainees and ex-Detainees	9
Ministry of Agriculture	2
President's Office	6
Ministry of Women's Affairs	4
Ministry of Public Works and Housing	2
Central Bureau of Statistics	1
General Personnel Council	4
Ministry of Foreign Affairs	6
Ministry of Refugees	15
Ministry of Information	10

As stated in Article 2 of the resolution and in addition to what is stated in Article 1:

1. The number of recruits in ministries and public institutions shall be limited to one new employee for three retired or resigned employees based on vacancies of 2006.
2. Each ministry has a maximum of ten positions which include escorts, assistants, deputies and assistant deputies.

Article 3 of the resolution states that increasing the number of escorts is a matter to be left to the Minister of Finance.

Finally, Article 4 stipulates submission to the Legislative Council for due ratification.

Conclusions:

1. Appointment resolutions reflect a systematic policy aimed at the control of the administrative decisions through the control of appointments at the senior administrative positions ranging from Director-General to Deputy Minister.
2. Appointments occurred in 13 ministries as well as in the Council of Ministers, the Legislative Council, and the Commission of Industrial Cities.
3. The total number of appointment-related resolutions reached 45, of which 44 dealt with the appointments of men. One woman was appointed Deputy Minister.
4. These appointments were geographically distributed between the Gaza Strip (31) and the West Bank (14).
5. The appointments represent a stark violation of Article 19 of the Civil Service Law which stipulates that "public departments shall announce vacancies in two daily newspapers at least, and appointments shall be approved within two weeks from the date they became vacant. The announcement shall include all details relevant to the job and its conditions, and the General Personnel Council shall be notified." However, a review of the daily newspapers since the government came into power shows no announcement indicating adherence to the above-mentioned article.
6. Unjustified leaps for some employees, from lower to higher administrative levels are apparent.
7. Despite the fact that presidential ratification is required for high-level appointment and promotions by the Cabinet, all new employees took up their posts immediately, without such approval.
8. It is apparent that ministries exploited the Cabinet's resolutions which grant ministers the authority to conduct a limited number of appointments with the consent of the Ministry of Finance, but without reference to the General Personnel Council; often for the employment of ministers' relatives and friends.
9. The Cabinet resolution pertinent to the 2006 ministerial vacancies, dated 20/6/2006, has not yet been submitted to the Legislative Council for ratification in accordance with the established process.

The report confirms that since the Tenth Government came into power, most appointments for high-level positions violate the Civil Service Law. These appointments have occurred for political reasons rather than reflecting actual personnel needs, and were carried out with such secrecy as to contravene the professional practices pertinent to public recruitment. Furthermore, these appointments seemed to replace non-Hamas affiliates in important decision-making positions with Hamas supporters.

Appointments to the security agencies (e.g., the Executive Force) have not been made on a needs-basis in these already inflated apparatuses. Rather, they seem to be driven by a conflict over power and by the desire to control the security agencies of the Ministry of Interior while securing loyalties to the Hamas-led government.

Finally, this appointment policy fueled the conflict between senior management members in the public sector institutions and dragged the public sector into the broader political conflict over the power struggle between Fatah and Hamas.

Recommendations:

AMAN-Coalition for Accountability and Integrity recognizes the necessity to:

1) Halt the politically-motivated appointment policy (in the civil service and security agencies), study and revise all appointment-related resolutions issued since the Tenth Government came into power against the appropriate legal procedures and actual needs of public institutions. This can be accomplished through a special committee of the State Audit and Administrative Control Bureau which will submit a special report to both the Legislative Council and the President.

2) Request that the President withholds his approval of these appointments until the above-mentioned report is submitted to him by the head of the State Audit and Administrative Control Bureau .

3) Request that the Palestinian Government, regardless of its political affiliation, objectively considers its appointment policy and differentiate between political and public interest, since past mistakes committed by former governments do not justify those of the current one, nor legitimize its policies.

This report was written in a “gender-blind” style to simplify reading.

**This report series was prepared by AMAN in
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