

فلسطين  
الطبيعية

# Local Integrity System Assessment

Olyvia Adv. 02 242 6670

The Integrity Environment in  
Ramallah Municipality

JUNE-2014





# **Local Integrity System Assessment**

## **The Integrity Environment in Ramallah Municipality**

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, we raise awareness of the damaging effects of corruption and work with partners in government, business and civil society to develop and implement effective measures to tackle

This publication has been produced with the assistance of the Swedish International Development Cooperation Agency and the UK Foreign and Commonwealth Office. The contents of this publication are the sole responsibility of The Coalition for Accountability and Integrity ( AMAN) and can in no way be taken to reflect the views of the Swedish International Development Cooperation Agency and the UK Foreign and Commonwealth Office.

This publication has been produced by the Coalition for Accountability and Integrity ( AMAN)



[www.transparency.org](http://www.transparency.org)

**ISBN 978 - 9950-356-10-8**

© 2014 The Coalition for Accountability and Integrity ( AMAN) . All rights reserved.

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of February 2014. Nevertheless The Coalition for Accountability and Integrity ( AMAN) and Transparency International cannot accept responsibility for the consequences of its use for other purposes or in other contexts.



Ramallah, Irsal St, Remawi Building , 1st floor

Tel: +970 2 2974949 /+970 2 2989506

Fax: +970 2 2974948

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

Gaza, Al-Halabi St.

Tel: +970 8 2884767

Fax: +970 8 2884766

## Contents

I. Introduction	4
II. Executive Summary	7
III. About the Local Local Integrity System Assessment	13
IV. Analysis of the Current Situation of Local Governance in Palestine	17
V. Local Integrity System	31

### Core Actors in Local Governments

• Local Assembly	31
• Local Executive	38
• Local Bureaucracy	48
• Local Political Parties / Local Council Members	57
• Local Courts	61

### Oversight and External Accountability Functions

• Dealing with Complaints	64
• Auditing and Monitoring Local Councils	66
• Investigation and Exposure of Corruption	69
• Awareness Raising and Public Education	71
• Social Accountability	75
• Conclusions and Recommendations	79

### VI. Annexes:

- Annex1: Questionnaire on public satisfaction with services delivered by Ramallah Municipality.	86
- Annex2: Questionnaire for civil society about their projects to combat corruption and enhance social accountability.	87

VII. List of references	89
-------------------------	----

## I. Introduction

This assessment of the local integrity system is one of five studies conducted in five countries by national chapters of Transparency International (TI). The countries were selected by TI as case studies of Africa, Latin America, Europe and the Middle East (Kenya, Senegal, Argentina, Portugal, and Palestine) to assess the extent of compliance and applicability of the local integrity system methodology in various national and local contexts. The implementation of the project lasted four months, starting in the beginning of September until the end of December 2013.

This study covers the municipal of Ramallah, Palestine. It was conducted by The Coalition for Accountability and Integrity – AMAN, TI's national chapter in Palestine.

### **Project Team**

The Coalition for Accountability and Integrity – AMAN formed a team to conduct this project in line with the terms of implementation. The team comprised the following people:

Dr. Azmi Al-Shu'eibi – General Supervisor – AMAN's Commissioner for Combating Corruption

Ms. Ra'eda Qandil – Researcher

Ms. Viola Atallah – Project Coordinator

### **Advisory group**

An advisory group of 13 members was formed representing central government, institutions that deal with local governments, civil society, and institutions that monitor and combat corruption. This committee participated in an advisory meeting to review indicators and define stakeholders. It also participated in the main workshop which discussed the study and a final meeting that was held to review the study and its recommendations and verify the validity of the results.



The members of the advisory group represent the following institutions:

- AMAN
  - Dr. Azmi al-Shu'eibi, AMAN Commissioner for Combating Corruption
  - Ms. Ghada al-Zghayyer, Executive Manager
- Arab Thought Forum
  - Mr. Abdul Rahman Abu Arafeh, General Director
- State Audit and Administrative Control Bureau
  - Mr. Saleh Misleh, Deputy Director
- Local Government Ministry
  - Mr. Muhyiddin al-Ardah, Director General of Oversight & Monitoring Department
  - Ms. Duha al-Barghouthi, Head of Department
  - Mohammed Hasan Hasasneh, Accountant
- Municipal Development and Lending Fund (MDLF)
  - Mr. Abdul Ghani Nofal, Director General of MDLF
  - Mr. Hazem al-Qawasmi, Operations Director General
- Ramallah Municipality
  - Mr. Amin Innabi, Municipal council member
- The Association of Palestinian Local Authorities
  - Mr. Isam Aqel, Director of the Federation
- Birzeit University
  - Dr. Ayman Al-Zaro, Academic
  - Ms. Abir al-Mashni, Academic



## Acknowledgment

The Coalition for Accountability and Integrity – AMAN wishes to express its appreciation and gratitude to the Ramallah Municipality (the Mayor, members of the local council and the executive team) for their outstanding cooperation with the implementation of this study and for the use of the Municipality as a case study to represent local governments in Palestine. We also thank the advisory group that contributed and supported the completion of this study.

AMAN extends its thanks to the relevant official institutions for providing the information needed for the study: the State Audit and Administrative Control Bureau, the Local Government Ministry, the Anti-Corruption Commission, the Municipal Development and Lending Fund, and The Association of Palestinian Local Authorities.

Special thanks are due to the civil society organisations that participated in the questionnaire prepared by AMAN to ascertain the projects undertaken related to local governments in areas of social accountability and to raise public awareness of combating corruption.



---

## II. Executive Summary

The Palestinian situation is unique, as the Palestinian National Authority (PNA) is still under occupation and does not have total sovereignty over its territory. This is an obstacle in the path of any comprehensive reform process.

In addition, it is apparent that some of those in positions of leadership lack a decisive political will to move ahead with the reform process. This is clear in the ongoing political split between the two largest Palestinian factions and the presence of two governments; one in the West Bank and another in the Gaza Strip. This has a negative impact on the Palestinian integrity system in general, and on the LIS in particular.

Aside from the obstacles that face local governments, the reform process is substantially impeded, as in all other aspects of governance, by delays in holding elections. As a result, some local governments were dissolved and heads and members of local governments were appointed. This affected the process of reform in this sector and undermined public confidence in these governments, since they are considered the primary representatives of the people in governance.

Moreover, the mechanism of appointments deprived the public of their right to oversee and hold officials in these governments accountable, since they were not selected by the people but imposed by government.

### **Key Challenges facing Local Governments:**

- Deficient legal framework. The Local Governments Law has not been updated in response to developments taking place at the local and international levels.. Moreover, regulations and bylaws, which are meant to simplify items stipulated in the present Local Governments Law, have not been completed, hence never passed.
- Overlapping in the tasks and jurisdictions of local governments and other public institutions affiliated to the executive authority.
- Scarcity of financial resources derived from taxes and fees in accordance with the abovementioned law.
- Poor understanding of the concepts and tools of integrity, transparency and community participation in the work of local government councils in general.
- Poor coverage by the local media in support of the work of local councils.
- local courts overloaded with cases;
- Lack of police and other security services control over all Palestinian land, including local government entities.



//////////

The results of the LIS assessment in Ramallah Municipality are summarised in the following tables:

i) Table to assess core actors in local governments

Actor	Capacity	Role in LIS	Internal Governance		
			Integrity	Accountability	Transparency
Local Assembly	Green	Green	Orange	Orange	Orange
Local Executive / Head of Local Council	Green	Orange	Orange	Orange	Orange
Local Bureaucracy / Executive Body	Orange	Orange	Green	Orange	Orange
Local Political Parties / Local Council	Orange	Orange	Orange	Orange	Green
Local Courts	Orange	Orange	White	White	White

ii) Table to assess oversight and external accountability functions

Task	Capacity	Effectiveness
Dealing with complaints / appeals procedures and seeking information	Orange	Orange
Auditing and oversight	Orange	Green
Investigating cases of corruption	Green	Green
Raising awareness of combating corruption and advocacy	Green	Orange
Social Accountability	Green	Orange

---

## Conclusions:

### Core actors in the local government:

#### 1. Local Assembly

The Election of Local Governments Law guarantees free, fair and representative elections. However, events on the ground have resulted in a political split led by the Hamas movement, which refused to participate in the elections. In addition, Israel refused to allow elections in Jerusalem and a large number of refugees in camps refrained from participation on political grounds. Elections were not held as planned scheduled dates due to the internal split.

According to the law, the municipal council has control/supervision privileges over the executive body of the local government entity. The head of the local council holds the position of head of the executive body of the local government entity. However, this denies the public the right to access information from the municipal council.

In practice, Ramallah Municipality provides information to the public and attempts to allow the Local Council to participate in discussions of public issues.

At the time of writing this report there is no code for conduct for the head of the council.

#### 2. Local Executive

The Local Government Ministry has not formulated an overall policy for local governments and the tasks of local governments overlap with those of several ministries. The Ramallah Municipality works according to a clear vision and mission stated in its strategic plan and based on community participation. The municipality manages its financial affairs through revenue collection stipulated very clearly and specifically in the law and municipal affairs are run by the Mayor via defined and effective mechanisms. However, the municipality needs to develop more transparent procedures for trades and industries as there is an overlap in this area with the Ministry of Economy.

However, the municipality still needs to develop its monitoring tools for employees, contractors and other personnel working under its umbrella.

Ramallah Municipality abides by a budget that is published on its website and is comprehensible by the public. The municipality needs to develop its regular administrative and financial reports presented by the Mayor to the council and make them into monthly written reports to strengthen the powers of the council to hold the Mayor accountable.

---

### **3. Local Bureaucracy**

The Ramallah Municipality works according to a defined and organised structure that ensures accountability, monitoring, and oversight. It also works with a large budget befitting to its status as one of the largest municipalities. The municipality has sufficient financial and human resources and infrastructure that prevent it from facing financial crisis. It adopts transparent employment procedures that protect against favouritism or use of personal connections. Municipal employees work with neutrality and are not subjected to any partisan or factional pressure, although there is no code of conduct.

The municipality has adopted a transparent procurement system and a computerised tax collection system that limits opportunities of embezzlement and other corruption forms.

Licensing systems are issued by the Council of Ministers. These are detailed procedures available in writing to facilitate understanding by the public and relevant users. The municipality enhances transparency in its work by publishing its decisions and activities, with the exception of regular administrative and financial reports. The system applied by the council supports community participation in decision making. However, there is no code of conduct for employees, although the bylaws for local council employees enhance the integrity of personnel in local governments in general.

### **4. Local Political Parties**

The Election of Local governments Law organizes all aspects of funding for electoral campaigns. It defines the sources of funding and obliges candidates to present financial reports to the Central Elections Commission, but there is no obligation to disclose this information to the public. The law does not set a financial ceiling for electoral campaigning. The law provides guarantees for equal opportunities in standing for election and access to the media.

As a result of the local elections and the guarantees in the Elections Law, the municipal council of Ramallah is viewed as having diverse representation of political blocs, religion, and women. The exception is the absence of Hamas from the council because it boycotted the local elections. Members of the local council affirmed that they enjoy independence and are not influenced by their political parties when taking decisions in the council or in the implementation of activities.

Although the Law of Combat Corruption stipulates very clearly that members of the local council must present financial disclosure statements, council members have not yet done so.

---

## 5. Local Courts

Local courts are not fully prepared and equipped to deal with all cases transferred to them because no judges are allocated to deal with these specific cases. Although the High Judicial Council allocated judges to local courts, no judge has been appointed to deal solely with cases in local courts. This has resulted in a large backlog of cases at every court; there were around 85 cases at Ramallah municipal court in November 2013.

In some cases examined by the corruption crimes courts, there is a problem of delays in issuing sentences. Although the Law of Anti-Corruption sets a maximum period of ten days to examine cases, some cases have remained in these courts for more than one year. This has an impact on the application of justice and undermines public confidence in these courts.

## Oversight and external accountability Functions

### 1. Complaints Handling

The Palestinian National Authority (PNA) provides a clear and accessible system of complaints for members of the public. This system is used at official level and by civil society organizations. It starts with submission of a complaint against the local government as an internal matter until the case is referred to a court. There is no system of complaints dedicated to local governments. The system of complaints is effective and in the majority of cases, it leads to the local council being ordered to deal with the issue.

### 2. Auditing

The State Audit and Administrative Control Bureau and the Local Government Ministry audit and monitor the work of local governments. The Bureau conducts a detailed specialized audit only on selected local governments each year due to a shortage in personnel to carry out this task.

The Local Government Ministry audits all local governments twice a year, but its audit is general and not detailed. The audit by the Bureau is effective and led to the investigation of several suspected cases of corruption in more than one council and their files were transferred to the Anti-Corruption Commission. The Bureau also succeeded in detecting several financial irregularities in local governments and determined the cause and extent of losses that resulted. However, the Bureau faces the problem that many local governments do not abide by the recommendations that result from the auditing process.

---

### **3. Investigation and Exposure of Corruption**

The Anti-Corruption Commission works independently or in cooperation with the Bureau to detect and investigate cases of corruption in general, including in local governments. Cases of corruption in local governments have been referred by the Bureau to the local council and following investigation, the cases were referred to the Anti-Corruption Commission. In other cases, there was direct investigation by the local governments, which, in turn, referred them to the Anti-Corruption Commission and sentences were issued.

### **4. Awareness raising and Public Education**

Several official institutions and civil society organizations work with programs and initiatives to raise public awareness of the importance of combating corruption. Despite coordination between some of these parties, there are no concerted efforts by institutions working in this field and efforts are dispersed. None of the organizations that implemented these programs studied the impact of their initiatives, apart from collating indicators such as a rise in the number of complaints against local councils. The local media have failed to fulfill their role of raising public awareness and providing information on combating corruption.

## **Recommendations**

In response to the weaknesses identified, the following recommendations should be followed by the national authorities and local council to ensure that the local integrity system is resistant to corruption.

- 1- Introduce core reforms in this sector based on a review of local governance and formulate a general vision and policy for local governments.
- 2- Grant local governments greater independence and reduce centralization.
- 3- Bolster public confidence in local governments by encouraging participation in the work and activities of the council.
- 4- Reinforce the values of integrity, transparency and accountability and put an end to conflicts of interest in the work of local governments by ratifying a code of conduct for local council members and employees.
- 5- Enhance monitoring and oversight by institutions and ensure they have adequate personnel to audit the administrative and financial work of local governments.
- 6- Motivate the relevant official institutions to raise awareness in local councils and local communities of combating corruption; the first step starts with winning the political will of officials in this sector to combat corruption.
- 7- Develop procedures for procurement, construction and licenses according to the special needs and character of each local government.
- 8- Develop written guidelines to regulate local governments.
- 9- Develop mechanisms for tax and fee collection and encourage the public to pay, thereby raising local authority revenues and enabling it to complete its projects.

- 10- Develop and encourage the role of the head of the council and his executive body in monitoring the work of employees and contractors dealing with the municipality.
- 11- The head of the local council should present written monthly reports, as an oral monthly report is insufficient. The report should document the work of the municipality in a professional manner and ensure that the head is held accountable to the local council.

### **III. About the Local Integrity System (LIS) Assessment**

There is a growing trend worldwide towards reform of governance systems by adopting decentralized patterns of governance, which involves the delegation of responsibilities and tasks related to services, such as decision making, implementation and oversight, from the central government to the elected local government. This trend stems from the belief that local governments are better positioned to meet, and are more aware of, the needs and interests of local citizens.

These policies have led to a shift in transferring the center of gravity of public accountability from formal national institutions and mechanisms to local bodies and municipalities. In addition, there is focus on developing and enhancing the values of local integrity of elected officials and personnel working in councils, while enhancing the role of the public in monitoring actions, programs, budgets and participatory decision making. This process requires that work be conducted in accordance with principles of transparency and public access to information.

As part of its strategic plan for 2015, which includes enhancing integrity and principles of transparency and accountability in the work of local governments, Transparency International initiated the development of a tool to assess local integrity systems. As an experimental phase Transparency International selected five countries in cooperation with its national chapters to apply and test this tool.. AMAN organization was selected to represent the Middle East region.

This pilot phase aims at measuring the effectiveness and relevance of the indicators selected for this study. The results of the study will contribute towards the development of an international tool that can enhance the system of integrity in local governments.



////////////////////////////////////

The study adopts a descriptive and analytical approach of applicable objectives by describing the work environment of local governments in all aspects (legal, institutional environment, executive, and policies). The indicators of the study are then applied to the selected local government In the case of Palestine, the Ramallah Municipality..

The Local Integrity System (LIS) tool is based on a review of National Integrity Systems (NIS) by Transparency International. This tool assesses internal governance in the local government, the capacity of the basic actors in the local government, and their role in enhancing integrity in the system in general. It also assesses the extent of commitment to transparency of decisions and information, public participation, and measuring the effectiveness of monitoring and accountability.

### **Objectives**

The study aims to enhance integrity in local governments. It does this by:

- Assessing the transparency of procedures and mechanisms within services delivered; the effectiveness of the management systems in local governments and the integrity and accountability of staff.
- Enhancing the role of the various sectors of society in the context of social accountability.
- Formulating recommendations in cooperation with the target group, to enhance the Local Integrity System in a given country.

To achieve these objectives, the study examines two interrelated approaches:

- Accountability (internal and external): this includes dealing with complaints, monitoring the local council and investigating cases of corruption, in addition to social accountability.
- Level of public awareness of values that identify and oppose corruption and its impact on officials, employees, and external partners of the local council.

The study applies general indicators to assess the role of the basic actors in local governments; these indicators apply to the systems in place in local governments all over the world. For each indicator, three dimensions are measured:

1. The capacity to perform the work.
2. The contribution to the enhancement of integrity in the work of local governments.
3. Internal governance, including the exercise of integrity, transparency and accountability.

////////////////////////////////////

The following table clarifies the research framework by which the local integrity system is assessed:

Indicator	Capacity	Role in enhancing LIS	Internal governance		
			Integrity	Transparency	Accountability
Local Assembly					
Local Executive/ Managers					
Local Bureaucracy					
Local political Parties / Local Councils					
Local Courts					
Local Police					

### Oversight and Accountability Functions




The study is based on various tasks of oversight and accountability, including mechanisms to deal with complaints; auditing and monitoring of local governments; investigating and detecting cases of corruption; social accountability; public awareness and a culture that identifies and opposes corruption and its impact on officials, personnel, and external partners. In each of the functions of external oversight and accountability, two dimensions are studied, namely, capacity and effectiveness.

The following table clarifies the research framework by which the functions of external oversight and accountability are assessed:

Function	Capacity	Effectiveness
Dealing with complaints		
Auditing and monitoring		
Centralized oversight of local councils		
Investigating cases of corruption		
Raising awareness and advocacy to combat corruption		
Social accountability		

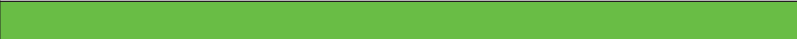


The effectiveness of each indicator and function is measured through specific questions using a system of colours for each level.

The study uses three colors to express assessment of the indicator:

Strong/ Good	
Average	
Weak	

As in the following example:

### 3.1 Monitoring executive performance

Dimension	Role
Number of indicator	3.1
Indicator	Monitoring executive performance
Question/s	To what extent does the local council conduct oversight of the work of the executive body in local governments and decision making, drafting the budget and participation in activities?
Assessment	  
Source of information	
Comments	
Recommendations	Parties targeted for advocacy

Following review of the proposed tools and in consultation with the advisory group, AMAN's team adapted some of the proposed indicators to be applied in Palestine. For example, in the Palestinian system the Police Body does not exist, therefore the advisory group agreed on excluded this indicator. Similarly, for the local courts, the advisory group agreed on assessing the formal courts in general and not assesses the internal governance as in the system local courts do not exist.

AMAN asserts that as an organization dedicated to institutional reform; it will contribute to reforming each indicator individually with the aim of providing a final assessment for the local government institutions based on all indicators.

#### Selection of Ramallah Municipality as a case study

The study applies the measurement of the indicators on Ramallah Municipality as a case study following agreement with the municipality. The city of Ramallah includes a variety of communities and is semi-central home to the Palestinian government and all its ministries. It serves around 32,000 people, plus around 100,000 others during the day who come to work in the government, the private sector and NGOs over an area of 19,000 dunums. It has a large budget of 65 million shekels; the municipality controls the budget in a satisfactory manner in terms of decision making on policies and planning decisions. It offers several services such as roads, lighting, and services to industry and trades people.

---

## IV. Analysis of the Current Situation of Local Governance in Palestine

In modern times, local governance reflects an international style of management applied by the majority of countries regardless of their political systems because of the advantages offered by this system in administrative, political, economic and social aspects. To understand the current status of local governments in Palestine, it is essential to be aware of the levels of government, as well as the executive authority and its relationship with local governments. The government comprises three levels of governance: central government represented in the Local Government Ministry, the Governorates (Governors), and local governments.

### 1- Central Government / Local Government Ministry

The Local Government Ministry represents the central government in the Council of Ministers. The Ministry deals with local governments; it was created with the establishment of the PNA and performs tasks in accordance with the Palestinian Local governments Law No. 1 of 1997 Article 2, as follows:

- a) To formulate general policy for the work of Palestinian local governments; to oversee the functions and jurisdictions of these councils in the organization of public projects and work in relation to budgets and financial, administrative and legal monitoring; and special procedures pertaining to the formation of these councils.
- b) To perform technical and administrative acts related to regional planning and zoning in Palestine.
- c) To determine regulations or procedures necessary to implement their duties in accordance with the law.

The tasks of the Ministry as stipulated in the law, impact on the principle of independence of the local council or government. Comprehensive monitoring by central government (as stipulated in the law) implies that local governments are treated as administrative units belonging to the central government.

The Ministry conducts oversight of all local governments in the homeland through directorates located in each governorate. These directorates answer directly to the office of the minister through the undersecretary, as shown in the organizational structure of the Ministry on its website, thus reinforcing centralized oversight of local governments.<sup>1</sup>

---

1 [www.molg.pa.ps/structure\\_molg.aspx](http://www.molg.pa.ps/structure_molg.aspx)

---

## 2- Governorates

This second level of governance is run by governors. Presidential Decree No.22 of 2003 stipulates the duties and jurisdictions of governors. Article 2 states that the governor is the PNA representative and head of public administration and the highest authority in his governorate with oversight of the implementation of the general polices of the PNA and services and production within the limits of his governorate.

Article 5 stipulates the following duties and jurisdictions of the governor:

- 1- To maintain public order, ethics, general good conduct and public health and to protect public freedoms and the rights of citizens.
- 2- To protect public and private property and ensure security in his governorate. He is assisted in this by the commanders of police and general security in the governorate. Regular and permanent meetings should take place between the governor and commanders of the police and general security services.
- 3- To work towards economic prosperity, urbanization and social cohesion in the governorate and ensure equality, justice and the rule of law.
- 4- To take all necessary measures and procedures to deal with natural disasters and major incidents or accidents.

In the absence of a law and regulations that define powers clearly, this Presidential decree grants governors significant discretionary power, especially in their relationship with the central authority, local governments and civil and military institutions in the governorate; these bodies work according to the existing laws.

## 3- Local Government Units

Local governments constitute the third level of governance. Their work is organized according to the Law of Local Governments of 1997, which defined a local government as the local authority unit within a geographical territory.

According to statistics of the Local Government Ministry, there were 378 local governments in 2013<sup>2</sup> distributed as follows:

- 25 local governments in Gaza.
- 353 local governments in the West Bank: 124 municipalities, 219 village councils and 10 local councils, including (69) joint service councils.

Article 15 of the Local Governments Law defines the responsibilities and functions of the local government as exercised by the local government council within its territory.

---

2 Mohammed Hasasneh, Guidance and Monitoring Department at the Local Government Ministry, December 30, 2013.

////////////////////////////////////

The local government council has the right to exercise responsibilities directly or through employees, or to entrust some tasks to contractors. The law allows the local government council to grant these tasks, or some of them, as concessions to persons or companies for a period of no longer than three years with the approval of the minister authorized to issue regulations or instructions necessary to organize the work of the local government and secure their interests and needs.

**The law defines several jurisdictions and functions of local governments in very clear terms. The tasks of the local government include:**

- Town planning; open, close or change roads, define their width and route, pave roads, build pavements and maintain and clean them, provide electricity to light them, name them, number them, provide numbers for buildings; improve landscaping in the town, plant trees, prevent violations of land rules, monitor open spaces and commission landowners to erect fences around their land, license buildings and monitor building construction, demolish and renovate buildings, change their form, install elevators, establish shelter homes and grant licenses to perform such work, locate the sites of buildings and their size and the ratio of the building to the area of the land where the building will be constructed and ensure that they comply with health and safety conditions.
- Services for the provision of drinking water to residents, or water for any other use, and define the standards of its supply, meters and pipes, and the organization of their distribution, their prices and subscription fees and prevent the pollution of springs, basins and wells. Also, provide residents with electricity and define the prices of consumption and subscription to prevent prices from exceeding the maximum ceiling set by the ministry.
- Establish sewage systems and public restrooms and their management and supervision; gather refuse from streets, homes and public stores, transport it and organize the process of disposal of refuse and waste. Organize and establish public markets and determine the type of goods to be sold in them and ban sales of such goods outside these markets. Organize trades and industries and allocate special locations for each; monitor retail outlets that cause a disturbance or that harm public health.
- Monitor public health, including taking every measure and precaution to protect and preserve public health and prevent the spread of epidemics; monitor residential and other locations to ensure that their sewage is removed on a regular basis. Establish slaughterhouses, organize them and inspect the animals and poultry prepared for slaughtering, and take all measures to prevent disease and allocate places where they can be sold, monitor the slaughtering process and disposal of the remains. Monitor bread, meat, fish, fruit and vegetables and other food items, and implement measures to prevent fraud and disposal of bad food items. Establish ambulance centers, clinics, hospitals and other health institutions, and monitor them in coordination with the relevant government bodies.
- Organize and inspect restaurants, coffee shops, clubs, sports stadia courts, cinemas, theaters and other public recreation places, and set their opening and closure times





and collect fees from selling their tickets. Establish public parks and gardens. Take precautions to deal with floods, fires and natural disasters, and take precautionary measures against natural disasters and provide relief for people affected by such disasters.

- Establish cultural and sports institutions, museums, public libraries, schools and cultural bodies, sports, social and music clubs, and monitor them in cooperation with the relevant government bodies.
- Establish and allocate parking areas for vehicles and boats within the borders of the local government and monitor them. Monitor boats and ships that work in the waters belonging to the region of the local government in cooperation with the relevant government body.
- Supervise and organize salespeople, porters and street vendors.

In addition to these tasks, local governments have the following jurisdictions:

- To supervise the approval of the annual budget, the final accounts and the number of personnel before sending them to the ministry for ratification.
- To manage the funds and properties of the local government and establish the buildings required, and rent and mortgage them for a period not exceeding three years.
- To accept grants, bequests and donations.
- Any other action required in accordance with the provisions of the law or any other legislation or law.

Other official institutions that have a direct relationship with the work of the local governments include the Municipal Development and Lending Fund (MDLF), and the Association of Palestinian Local Authorities (APLA)

#### **4- Municipal Development and Lending Fund (MDLF)**

This is a semi-governmental institution established in 2005 by the PNA as the main channel of support for the development and reform of local governments. The task of this fund is to translate policies into implementable programs and projects and manage the funds available to local government. It assists local governments in offering quality services and contribute to sustainable development in line with national plans and policies.

The MDLF works in parallel with several parties. It assists local governments to express their requirements to ministries by providing data and specialized information. It also deals with the private sector and civil society in several ways, including the promotion of partnerships between local governments and private sector organizations.

The fund provides funding to institutional development programs to assist local governments to design and implement activities funded by donors. It also assists local governments to implement policies and strategies adopted by the Local Government Ministry to reform local governance in Palestine.



////////////////////////////////////  
The task of the fund is to increase the impact of external developmental assistance by coordinating the work of donors offering projects to local governments, and between donors and the Palestinian regions that benefit from the assistance.<sup>3</sup>

The special feature of this fund is that it deals with local governments and the local community as one package and uses incentives and accomplishments in the municipal council as one of the conditions to grant projects and loans, and also to increase the ceiling of loans.<sup>4</sup>

## **5- The Association of Palestinian Local Authorities (APLA)**

The Association of Palestinian Local Authorities was established by a Presidential Decree in 2002.<sup>5</sup>APLA enjoys a legal personality and an independent budget. The association is managed by an administrative board of 31 members selected from the local governments. The association comprises of a) 14 members from the main governments that represent cities in the centers of Palestinian governorates based on PNA classification; b) four members representing local governments whose population is over 10,000 residents, with two representatives from the northern West Bank governorates and two representatives from the southern governorates; c) four members representing local governments whose population is less than 10,000 residents from the northern and southern governorates of the West Bank, and d) one member representing the city of Jerusalem to be selected by the other members of the administrative board.

The association represents Palestinian local governments domestically and internationally. The association represents local governments to the central government, defends their position and works to improve the competence of their teams. It also examines regulations and proposes amendments in line with international counterparts. The association also represents local governments in dialogue with donors to encourage funding for collective projects and serves all members in the association.<sup>6</sup>

There has been criticism of the APLA on the grounds that it has not had an impact in amending specific laws applicable to local governments, in particular matters related to the interests of local governments such as legislation that grants the government the right to dissolve and appoint local councils.

-----  
3 The main website of the Municipal Development and Lending Fund is [www.mdlf.org.ps](http://www.mdlf.org.ps)

4 Personal interview with Hazem al-Qawasmi, General Director of Operations at MDLF, on October 27, 2013.

5 Presidential Decree No. 16 of 2002. Al-Moqtafi.

6 Personal interview with Issam Aqel, executive manager of APLA, on October 29, 2013.



Under decentralized local government systems, it is possible to delegate the task of organizing the work of local governments and oversight of their performance to the Local Authorities Union. This can play an important role similar to unions in democratic countries that act as an organizational and monitoring reference for local governments. Unions also establish rules and executive regulations on the work of local governments or on the extent and quality of public services offered by local governments. It also has jurisdiction to investigate disputes between local governments or complaints filed by the public against their decisions.<sup>7</sup>

### **Relationship between central government and local governments**

In administrative terms, the Local Government Ministry has announced a policy to achieve the decentralization of local governance, although this is not the result of a political decision or a well thought through general strategy. Yet, despite encouraging signals from the Local Government Ministry in support of decentralization and its positive features and importance in the Palestinian context, in practice the ministry has applied a policy of centralization with local governments. The ministry appoints the local government committees if a council resigns or is dissolved according to the law and also plays a fundamental role in ratifying their bylaws and budgets.

The financial resources and manpower available to some large municipalities have allowed them to enjoy significant independence in issuing decisions and rules and in attracting funding parties without the need to address the ministry. However, small and newly-established local governments depend to a large extent on the ministry to perform their activities, thus facilitating interference by the ministry in their authorities.

The second reason for the centralized relationship between the Local Government Ministry and local governments is due to the long term policy of the centralized authority of postponing regular elections and replacing them with the appointment of members of local councils. This policy reinforces centralized accountability to the ministry and weakens the accountability of the appointed members to the public.

---

<sup>7</sup> Salah Abdul Ati. Governance and Local Authorities in Palestine. Al-Mizan Center for Human Rights.



---

## Relationship between governors and local governments

Duplication in the work of governors and local governments is clearly apparent in the tasks and jurisdictions of both parties. The powers of governors stipulated in the relevant presidential decree are similar to several tasks and jurisdictions granted to the local government by the Local governments Law. For example, the presidential decree stated that the governor is the head of the zoning and planning committee without specifying how the governor needs to exercise this authority. The presidential decree stipulated in some of its articles that the governor, in cooperation with the relevant governments and in accordance with the laws and regulations in effect, shall assume the jurisdiction of supervising, sponsoring and working to provide local services for residents of the governorate in health, education, culture, and in social, urban and developmental services. These governments clearly overlap with those granted to local governments and duplication of authority within the same geographical region gives rise to disputes and disagreements between the two bodies. Moreover, it puts the local government under the dual control of the governor and central government. Article 8 of the presidential decree stipulates that the governor shall head the executive council in the governorate; the council consists of several parties, including some heads of municipal councils.<sup>8</sup>

### The Experience of Decentralization and Challenges Facing its Application in Palestine:

#### The Legacy and the Legal Framework

Palestinian governance institutions face a legacy emanating from previous rulers of Palestine that make the local government subject to the control of the central authority in order to dominate the Palestinian community. This policy fluctuated from one era to another in correlation with the influence of the external central authority to extend into the Palestinian social fabric. There was no Palestinian authority over local organization until the beginning of 1994.

It is clear to any observer that the development of local Palestinian governance generally reflects and responds to the political reality over the decades. The tendency to centralize, whether administratively, financially or legally, stemmed from the policy of centralization of the

---

<sup>8</sup> Abir al-Mashni. Twenty Years after Oslo. Local Governance in Palestine, Accomplishments and Challenges: an unpublished study. Birzeit University.

countries that ruled Palestine, starting with Ottoman rule and ending with the Israeli military occupation.<sup>9</sup> When the PNA was established in May 1994, it found itself with an adverse legal and administrative legacy that restricted its governments and reduced its ambits of activity. Local governments also suffered from obstacles that impacted on legal, administrative and financial aspects and their relations with the general public.<sup>10</sup>

Local elections were not organized after the PNA assumed power until 2004. The PNA continued to appoint members of local governments using a process based on political and tribal factors and largely related to political loyalty, taking into consideration that the prominent families are those represented in the local governments. In the absence of elections, these appointments did not reflect popular representation or participation by the public through their representatives at a local level.<sup>11</sup> The local governments were re-elected in the West Bank, including Ramallah Municipality, in 2013.

The PNA embarked on tackling this legal legacy in matters related to local governments and local governance. The general framework for local governments was established by the Basic Law; the Amended Basic Law of 2003 stipulated in Article 85: "The organization of the country through a law for local administrative units that enjoy legal personality, and each unit shall have a council to be elected directly by the people as stipulated in the law".

The PNA gave priority to a legal framework for local governments. It issued Law No. 5 of 1996 on the Election of Local government Councils, subsequently amended in 2005. The law stipulates that the task of preparing for local elections, organizing the elections and management and supervision of the electoral process shall be conducted by the Central Elections Commission. This is an independent and neutral body that also supervises general elections.

Under Article 5 of this law, the head of the local government council is elected by the council members; the electoral system is based on proportional representation (lists). The law also defines that no less than two seats in the local government, which comprises a maximum of 13 seats, should be given to women (instead of 20 per cent). The law also gives the President the right to issue a presidential decree to allocate a number of seats to Christians in some local governments.

A legal decision in 2012 amending the Election of Local governments Law No. (10) of 2005 allowed the Council of Ministers to issue a decision to hold elections in phases based on the public interest.

9Abdul Karim Saeed Ismail. Role of Palestinian Local Authorities in Promoting Participation and Achieving Political Development. A Master's thesis, Al-Najah University, 2005.

10Ali Al-Jarbawi. What Kind of Local Authority Do We Want? 1996.

11Carter Center. The Policy of Appointments and Merging of Local Authorities. 2011.

---

## **The Palestinian Local Governments Law of 1997**

This law forms the framework for the organization of the work of local governments in Palestine and regulates the relationship between local governments and the Local Government Ministry. This legal framework stipulates the introduction of regulations to organize the work of local governments and grants local government ministers the power to establish these procedures, as well as to local governments according to Article 2 and Article 15 (2), although the Basic Law granted powers to issue regulations to the Council of Ministers.<sup>12</sup>

The application of the Local governments Law has revealed deficiencies, mainly the high level of centralization in the monitoring of the work of local governments. A significant amount of local government work requires the approval of the minister; for example, all matters pertaining to the annual budget of the local government. The law is also vague in some of its language and lacks executive regulations that clarify its articles. This ambiguity gives rise to duplication of some jurisdictions granted to the ministry and those of the local government, especially related to policy making and financial administration and regulations. This is the case in Article 2 of the law, which stipulates that the ministry shall establish the general policy of the work of Palestinian local governments and shall supervise the functions and jurisdictions of local government councils and the organization of public projects, technical and administrative work pertaining to zoning and regional planning in Palestine.<sup>13</sup>

Legal decision No.9 of 2008 amending Local governments Law No.1 of 1997 reinforced the centralization of the government and gave additional powers to the executive, especially the Minister for Local Government. Article 3 of the amendment gave the Council of Ministers the authority to dissolve the local authority upon nomination by the minister if the local government council violates its legal jurisdictions or the term of the council expires, and to appoint a committee to assume the tasks of the dissolved council for a maximum period of one year during which elections for that local government shall take place.

The law went further to grant the minister the right to discharge the head of a local government council, with a new head to be elected by the council members. This impacts on the independence of local governments and increases centralization; some interpret the law as giving absolute authority to the minister and leaving the local government council with no option but to obey the minister's decisions.<sup>14</sup>

---

12 Maher Zahaykeh. Integrity, Accountability and Transparency in the Work of Local Authorities. AMAN, 2005.

13 Abir al-Mashni, *ibid.*

14 *ibid.*



---

## **General Political Environment and its Impact on the Emergence of Corruption in Local Governments**

Despite attempts by the executive in 2004-2005 to develop local government policies that replaced the procedure of appointments with elections, the political split thwarted progress towards representation and electoral legitimacy. The Palestinian Legislative Council was paralyzed; the executive governments in the Gaza Strip and the West Bank overlooked the results of the local elections and returned to the process of appointments without any legal or social justification. Political factionalism took priority and no measures were undertaken to make up for the absence of elections, or at least to postpone them due to the prevailing conditions.

Prior to holding the recent local elections in the West Bank, political allegiance and relationships between the heads and members of municipalities affected the integrity of the relationship between the government and the local government. Political allegiance prevailing in the appointment of members or heads of local government councils enhanced centralization to the Local Government Ministry still further. Around 45 ministry employees were appointed to manage local governments at that time.

The absence of a democratic process due to the split between Fatah and Hamas and the paralysis of the Palestinian Legislative Council has had a significant impact on the performance of local governments. Supervision by the executive declined and internal monitoring of local governments also weakened, giving rise to an environment in which cases of corruption began to appear in local governments.

The 2009 AMAN study of the national integrity system pointed to major weaknesses in the general supervision of local governments.<sup>15</sup> The annual report of the State Audit and Administrative Control Bureau issued in 2012 detected “several financial and administrative violations and suspicions of corruption in local governments, mainly lax administration of public funds, misappropriation of local government funds, an absence of monitoring, weak internal control systems, along with random spending, conflicts of interest, the absence of efficiency and justice in implementing projects and the distribution of services, and weak internal monitoring procedures” - the result is a waste of public funds.

The study explained some violations as the result of weak accountability and inefficient monitoring apparatuses, including the absence of the Legislative Council<sup>16</sup> to enforce accountability.

The study of the national integrity system also pointed out that local governments may be linked with NGOs in joint projects or activities for specific periods, but there is no institutional relationship between local governments and the private sector or civil society. Local governments rely to a large extent on partisan affiliations or family relations in many of their activities, and the political parties lack mechanisms to monitor the performance of their representatives in the local councils. The study also reported weak coordination with other centers.

---

15 AMAN. National Integrity System. AMAN 2009.

16 Khaledah Jarrar in a press interview on November 8, 2012.

---

## **Challenges and Obstacles to the Work of Local Governments**

The general political and legal environment presents local governments with challenges and obstacles to ensuring integrity in their work. The main challenges are as follows:

### **1- Overlap in tasks and jurisdictions of local governments with executive institutions**

The tasks and jurisdictions stipulated in several laws regulating the work of official executive institutions overlap with those stipulated for local governments in Article 15 of the Local Governments Law. For example, in Article 2 of the Public Health Law that defines the tasks and jurisdictions of the Ministry of Health to safeguard public health. Or those related to civil defense as stipulated in the Civil Defense Law. The same applies to the provision of electricity and water, which are actually provided by private companies under legal contracts with the Energy Authority and the Water Authority. Jurisdiction in relation to the licensing of professions and trades follows the same pattern.

### **2- Incomplete regulations in the Local Governments Law**

The Local governments Law stipulates regulations and bylaws to be issued by the ministry to facilitate the work of local councils. A review of the Local Governments Law found that several bylaws and regulations had not been issued by the government or the local government, despite some of these regulations being very basic to the work of the local government.

Failure to issue regulations represents a major challenge for local governments as it prevents them from performing some of their responsibilities and leads to duplication of jurisdictions with those of the relevant executive authority. This grants broad discretionary powers to decision makers and relevant institutions.

### **3- Scarcity of financial resources – increases in the workload of local governments not linked to increases in revenue**

The expansion of the responsibilities of local governments was not linked to redistribution of the tax system by the central ruling authority. This weakened revenues coming in to local governments and left them dependent on centralized assistance.

The amount of taxes and fees payable for the benefit of the local government is small and limited. Article 22 describes this income, which is limited to taxes on buildings and land (Article 23), auction fees (Article 24) and fines on road transport vehicles (Article 25). Local taxes in Palestine are shared according to the party that collects them: taxes and fees collected by the local government itself and taxes and fees collected by the central authority (finance ministry) on behalf of the local government, such as property tax. In exchange for collecting this tax, the central authority deducts a percentage to cover its expenses.

The collection of financial resources is irregular and subject to difficulties. The public avoid direct taxes and fees and in most cases, the central authority fails to transfer indirect taxes to the local governments; the Ministry of Finance and Local Government Ministry are to blame for this shortcoming. The sums allocated to local governments

from tax revenues collected by the central authority are limited and the central authority keeps the major part of revenues for itself, with a small proportion distributed to local governments at its own discretion.<sup>17</sup>

#### **4- Irregular election of local governments**

Regular local elections have not taken place following a decision issued by the government upon the request of the Minister for Local Government. This political interference has made the holding of regular elections dependent on the political mood of the ruling party. Although the PNA was established in 1994, the first local elections took place in 2004. The second local elections suffered several delays and postponements due to decisions issued by the Council of Ministers. The ministry also has authority to appoint and discharge heads and members of local councils, with the effect that these people are loyal to those who appointed them and act only to remain in favor with the ministry and guarantee that they stay in their posts. This is detrimental to the performance of local governments and the quality and distribution of services.<sup>18</sup> Also, it undermines the image of the local authority in the eyes of the public and its accountability to the local community, creating an impression that these councils do not represent the public as they were not elected.

#### **5- Weak concept of transparency**

The concept of transparency is weak among officials and members of local governments. The absence of open relationships with the general public and the failure to permit access to information and public records in local governments have weakened the participation of civil society institutions and the public in formulating policies. This situation has also diminished social accountability. Previous studies highlighted that no regular meetings are held between most local governments and the public to discuss needs and problems. Moreover, annual administrative and financial reports are not published in the local community.<sup>19</sup> Local governments are not familiar with making procedures open to the general public and the local media so as to convey information publicly in a balanced and responsible manner.

#### **6- Failure to adopt a culture of accountability, in particular social accountability as an approach in the local community**

The concepts of accountability and social accountability are modern concepts in Palestinian society. Both officials and the public lack clear awareness or thorough understanding of the nature and mechanisms of these concepts. Local governments have not been subjected to social accountability in their work by presenting regular reports, responding to queries from the public or explaining decisions, or assuming responsibility for their actions. Local governments are not accustomed to allowing representatives of different sectors to participate in defining priorities and monitoring activities.

In general, civil society organizations do not focus on engagement and participation in the work of local governments or attend their meetings, with the exception of some organizations that have emerged recently in this field.

17 Saleh Abdul Ati. Local Governance and Local Authorities in Palestine, 2005.

18 Zahaykeh, ibid.

19 Ibid.

---

## **7- Ineffective local media**

Although the Palestinian media support the defence of human rights and public freedoms, they have not accumulated experience or a working tradition of investigating and opposing cases of corruption to eradicate this phenomenon from society, particularly from the public sector. The local media do not expend efforts on raising the awareness of the Palestinian public of the importance of enhancing transparency and accountability in public affairs. Many journalists and experts specialized in the Palestinian media believe that the local media's influence on public opinion or policy making remains weak because media personnel lack professional experience, especially in investigative reporting. There is little initiative to publish such reports due to fear of intervention by officials or the security services and because media institutions lack independence.

## **8- Code of conduct**

Local governments play a vital role in the development of the local community, in direct daily contacts with the lives of residents, and by delivering quality services with the highest levels of professionalism expected by the public. Local governments are also expected to perform their responsibilities in accordance with the law and without favouritism, corruption or poor administrative performance. Thus, standards must be complied with professionally and ethically.

The effective management and performance of local governments is fundamental in improving the quality of services offered to the public and building public confidence. This is reflected in the presence of a Local Integrity System that requires the establishment of a code of conduct for the heads, members and employees of local governments.

AMAN organization has contributed towards the adaptation of several codes of conduct for various local governments in the West Bank and Gaza. The most important challenge remains maintaining the faith and confidence that local governments and their employees will go further than merely signing these codes of conduct and will actually abide by their terms and acknowledge their importance.

## **9- Official institutions to monitor and combat corruption**

Under the law, local governments answer to the State Audit and Administrative Control Bureau, whose role is currently to monitor and audit local governments. The bureau issued several reports about local governments and suspicions of corruption. However, delay by the PNA in establishing the Anti-Corruption Commission posed a considerable challenge to local governments, their commitment to the principles of external auditing and combating corruption and the exercise of financial and administrative management. As a result, some institutions became almost independent from external oversight and auditing.

---

## 10- Palestinian judiciary

The Judicial Authority Law stipulated the establishment of different types of court, including specialist regular courts. The law stipulated the possibility of forming specialized courts in some fields requiring special expertise and prompt examination of cases. These include municipal courts to examine violations of the Palestinian Local Governments Law and municipal powers; the court may have jurisdiction over more than one municipality. This court is headed by a judge from the magistrates' court. The law allows the formation of a municipal court in each region where there is a magistrates' court.<sup>20</sup>

The Palestinian judiciary and courts are centralized. Several problems and obstacles impede the work of the judicial authority and court hearings, including local governance cases. The PNA national integrity system noted that the judicial apparatus is weighed down by a huge backlog of cases that have accumulated over years due an insufficient number of judges and problems related to legal texts on judicial affairs.

Court decisions are slow to be implemented, especially if the decisions conflict with the wishes of influential parties, while weak penalties are applied in cases of corruption.

## 11- Security and police

The Palestinian police work with the execution departments of the judiciary as a direct tool to enforce local government powers. Cooperation between the police force and local governments is hampered by the lack of Palestinian control over security in all the Palestinian territories where local governments are located, especially in Zones B and C. According to the Oslo Agreements, these regions are under Israeli control as an occupation force.

The failure of the police to respond to many requests from local governments, especially in rural areas, is a major problem that prevents local governments from offering the best service to residents. Problems may erupt between the local government and the public involving the implementation of vital projects, such as expanding public and internal roads, or unlicensed construction by members of the public, where police assistance is required.

The police need to respond rapidly to requests by the local government. There are also demands by some local governments, especially in rural areas, that the head of the local council must be trustworthy in supplying information and must not allow favouritism or tribal relationships to interfere in matters dealing with violations committed by the public against the local government. Also, cases must not be resolved by tribal mediation as this can lead to disputes between the members of the local or village council.<sup>21</sup>

---

20 A 2005 report on the conditions of the Palestinian judicial authority.

21 Maan News Agency. A meeting between Bethlehem Police Commander with heads of local and village councils in rural areas, July 8, 2009.

Local Integrity System (LIS)

1- Local Assembly<sup>22</sup>

Capacity	Role	Governance
----------	------	------------

The Election of Local governments Law guarantees free, honest and representative elections conducted under the supervision of an independent and neutral Central Elections Commission. In practice, the local elections were postponed; Hamas boycotted the elections because of the political split and Israel did not allow elections to take place in East Jerusalem.

The Local Governments Law grants local governments an independent legal personality. It also entrusts the local council with the task of oversight of the executive by giving the task of heading the executive apparatus to the head of the local council. The law did not grant a public right to information from the local council. In fact, Ramallah Municipality provides information to the public, encourages the local community to participate in discussions of public issues, and gives the public the right to file a complaint through an effective system that is in operation by the municipal council. The principles of integrity are observed and there is no conflict of interest between the head of the council and the relevant laws. There is not yet a code of conduct for the head of the council, although a draft code of conduct exists for the head and members of the municipal council.

Capacity

1-1 Does the Election of Local Governments Law guarantee honest, free and representative elections?

--	--	--

The Amended Basic Law (Article 26) grants Palestinians the right to participate in political life as individuals and groups, in voting and running as candidates in elections to select representatives from among them. These representatives are elected in public elections according to the law. The article emphasizes the equality of all citizens without discrimination in voting and standing as candidates.

According to Article 14 of the Local governments Law No. 10 of 2005 and its amendments, the electoral lists for local governments operate on the basis of **proportional representation**; the list of candidates is considered closed and the names of candidates are ranked in order according to the priority of each nomination. Article 3 of the law defines the Central Elections Commission as the highest body that manages and supervises elections. The Commission is responsible for preparing, organizing and implementing all measures necessary to guarantee honest and free elections; the Commission is considered an independent and neutral body.

According to Article 6 of the law on the right to vote, elections are organized in a free,

22 In the Palestinian Local System, the Local Council is considered to be the local legislative body; however its functions restricted by issuing regulations and systems only not laws.





direct, secret ballot and in person; voting by proxy is not permitted.<sup>23</sup>

The Elections Law provides several guarantees to ensure that elections represent all sectors of society; Article 17 allocates a specific quota of a minimum 20 per cent of female representation in any local government council. The law also stipulates that each electoral list should contain the minimum ceiling of female representation.

There is also a quota for Christians according to Presidential Decree No. 4 of 2010; the decree allocated the ratio of Christians to Muslims according to the size of the local council in each local government where there is a Christian presence.

### **1-2 Were previous elections organized within their time framework? Were they free, fair and representative?**



The last local elections were held during the period October 20, 2012 – June 1, 2013. This round was the second round of local elections following the establishment of the PNA in 1993. Calls to hold local elections were made more than once in 2010 and 2011, but the elections were cancelled for various reasons, including the failure to organize them in the Gaza Strip because of the political split in 2007 between the West Bank and Gaza Strip. As a result, the elections did not take place on the specified dates in accordance with the law.

In May 2012, a legal decision was issued to amend the Elections Law. The amendment allowed the Council of Ministers to hold local elections in phases if they could not be organized on the same day. On July 10, 2012, the Council of Ministers issued a decision calling for local elections in all the Palestinian territories (West Bank and Gaza) on October 20, 2012. Once it became apparent that the elections could not be held due to the political split, the Council of Ministers issued a decision on July 24, 2012, requesting the holding of elections on the dates specified in all local governments in the West Bank only. The local elections did not include East Jerusalem because the occupation authorities refused to hold an election in the city, but included all local governments surrounding Jerusalem.

In July 2010 Hamas declared that it would boycott the local elections and this decision reduced choice and representation in the process.

The second local elections were organized in phases using the full proportional representation system in accordance with the Election of Local Governments Law No. 10 of 2005 and its amendments.<sup>24</sup>

23 To vote and to be elected in genuine periodic elections, shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. This is why a secret ballot is considered fundamental to free and honest elections. The General Principles Project on freedom and non-discrimination in political rights pointed out that every voter has the right to vote in a manner that does not reveal the way he voted or he intends to vote, and that the voter shall not be forced to reveal this and that no one shall try to obtain any voting-related information from any voter directly or indirectly. This requires several technical and administrative procedures to guarantee the secrecy of the ballot and to protect the voter from direct or indirect influence to make him reveal the way he voted.

24 Ibid.



////////////////////////////////////

The primary advantage of the proportional representation system is justice; when the number of seats gained by a political group is commensurate with the ratio of its electoral presence, then representation is just. In principle, no political group or any sector of public opinion can obtain full representation and no group will remain unrepresented.<sup>25</sup>

In the second local elections, there was a notable increase in the number of local government authorities that ran in the elections as one list only, or what is known as agreement on a unified list, therefore winning by default. This applied in 215 of the 354 local governments in the West Bank (around 61 per cent). The reasons for this phenomenon need to be studied, along with its impact on the democratic process and electoral principles.

The formation of unified electoral lists in villages and towns impacted on the democratic process and was detrimental to the right of the public to vote. Families and some parties were instrumental in agreeing on reconciliatory electoral lists in some rural local governments; families and groups formed individual electoral lists in some villages where there was no agreement on a unified list.

The formation of reconciliatory electoral lists reduces public choice and prevents their free participation in the electoral process. This form of electoral list comprises factions, parties and families; they deprive individuals of the right to vote and participate fully in the electoral process, also impeding the potential formation of competing lists. In most of the main cities where local elections took place, several competing lists ran in the elections for local councils, reinforcing democratic practice and electoral culture. Several local governments in rural areas formed different electoral lists.

In the local elections for Ramallah Municipality, several electoral lists were formed to represent a variety of affiliations. The main lists were the Independent bloc, Ramallah al-Mustaqbal bloc, and Abna' al-Balad bloc.

### 1-3 Independence

**Do the laws that organize the work of local governments define the roles and independence of the various local government apparatuses?**



Article 3 of the Local governments Law stipulates that local governments enjoy a legal personality with financial independence and their functions and governments are regulated in accordance with the law. The local government is headed by a council with number of members to be decided according to a system issued by the minister and ratified by the Council of Ministers. Members of the council shall be elected in free and direct elections in accordance with the provisions of the Elections Law.

The independence of the local government is achieved through two basic conditions: that the local government enjoys a legal character independent of central government;



and the local government should exercise jurisdictions and functions, has its own financial resources, and has the right to establish bylaws or regulations needed to perform its functions in the best possible manner. In the article cited above, Palestinian law guarantees the independence of the local government.

The Local governments Law provides local governments with conditions that guarantee their independence, but at the same time, Palestinian law places local governments under the supervision of central government. Some local government work needs to be ratified or approved by the minister, such as ratification of the annual budget and some regulations issued by the local council.

**To what extent does the local council exercise its tasks freely without the intervention of national political parties?**



The municipal council in Ramallah Municipality consists of 15 seats; three blocs ran in the last elections to gain the 15 seats: the Independent bloc, Ramallah al-Mustaqbal bloc, and Abna' al-Balad bloc. These blocs represent various political affiliations and some of them are independent; the elections ended with the victory of Abna' al-Balad bloc.

The structure of the council reflects diversity. The Mayor of the municipality confirmed that his party's policies are consistent with those of the council in general, but decisions are taken in the council by majority vote. He stated that the municipal council is independent and performs its work freely without any factional intervention or pressure. Council decisions are taken by the majority regardless of any opinions representing the blocs present in the council.<sup>26</sup> This policy reflects the general approach of the council, but no ratified code of conduct exists regarding council practice.

-----  
<sup>26</sup> Musa Hadeed, Mayor of Ramallah Municipality, personal interview on October 24, 2013.

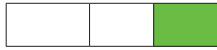


---

## Role

### 1-4 Supervision of executive performance

**To what extent does the local council supervise the work of the executive apparatus in local governments and in decision making on budgets and activities?**



According to the Local Governments Law, the council is charged with ratifying the annual budget, the final financial statement and the personnel structure before referring them to the ministry for ratification. The council also manages the funds and properties of the local government, locates the necessary buildings for the local government and leases or mortgages them for a period not exceeding three years, and has the right to accept grants, bequests and donations.

The law also stipulates in Article 16 that the head of the council is the executive head of the local government and its departments. In this capacity, the head of the council has the right to supervise the affairs of workers.

Thus, supervision of the executive apparatus by the council takes place via the head of the council. The executive team of the municipality supports the council in preparing draft budgets, organizing activities, and implementing council policies. Reports of the activities of the executive and council activities implemented by the executive body are submitted in quarterly reports to the council through its head and the general director of the municipality.<sup>27</sup>

### 1-5 Representation

**To what extent does the local council represent the constituency and the public in defining their requirements?**



In principle, Ramallah Municipal Council does not represent all beneficiaries of municipal services since Hamas refrained from participating in the elections and are therefore not represented on the council.

In practice, the Mayor confirmed that the council represents all those inside the municipal borders where services are provided. The council does not represent specific political platforms, but represents the people who belong to these political trends. The Mayor stressed that there is close contact between the municipality and residents of the city through quarterly committee meetings or the committees formed by the municipal council. These committees are made up of members of the council and representatives from social groups according to the topic. The committee to name and number streets includes members with a national cultural and political background. In general, members of the public are willing to participate in such committees.

As the current council was less than one year old at the time of this study, it had retained the same strategic four-year plan formulated by the previous council, with the introduction of some minor amendments in line with the electoral program upon which it was elected.

---

<sup>27</sup> Hadeed, Ibid, and Ahmad Abu Laban, director general of the municipality, personal interviews on October 24, 2013.

////////////////////////////////////

## Governance

### 1-6 Transparency in work

**Do the legal provisions provide a public right to access information on the activities of the local government and its decisions? To what extent is this implemented and effective in reality?**



Article 8 (5) of the Local Governments Law 1997 on the sessions of local government councils stipulates as follows: “The council may allow any person to attend any of its sessions to participate in discussions if the majority of the members present approve; the decisions of the council are issued in the presence of members only”.

The meetings of local councils are usually closed unless the majority of the members decide to make the session open to the public. Neighboring countries have adopted public council meetings to apply the principle of transparency to the work of councils, as is the case in Jordan.<sup>28</sup>

### 1-7 Accountability

**Does the local council allow the local community to participate in discussion of public issues?**



Mrs. Janet Michael (former head of the municipal council and member of the current council) confirmed that when the previous council decided to draft its strategic plan, it held consultative meetings separately with the public, relevant bodies, and municipal employees. The council meetings with the public were poorly attended despite being publicized. Although the municipal council tried to raise public awareness of the importance of attending public meetings, the response had been poor.<sup>29</sup>

**Do the legal provisions grant the public the right to file complaints?**

The Law for the State Audit and Administrative Control Bureau grants the public the right to file a complaint in Article 23 on the jurisdictions of the Bureau, in addition to the amended Law to Combat Corruption of 2005.

#### **Complaints system in Ramallah Municipality**

Ramallah Municipality receives citizens' complaints through the complaints unit in the municipality. Established almost one year ago, this unit follows procedures ratified by the municipal council. Administratively, the unit answers directly to the head of the council. The unit accepts any complaint from the public without reservation, with the exception of cases to be examined by the judiciary. Responses are sent to the

-----  
28 Article 39 (e) of the Jordanian Municipalities Law issued in 2007 stipulates: “The sessions of the council are public and every citizen who has a direct interest in any subject on the agenda has the right to participate in discussions on the issue, but decisions are taken in a closed meeting; closed meetings may be held to discuss public ethics or matters pertaining to personnel affairs and the administrative apparatus in the municipality”.

29 Personal interview with Janet Michael, former head of Ramallah municipal council and member of the current council, on October 22, 2013.

complainants after referring to the relevant department and some responses are sent by the municipality's legal advisor where necessary. Responses are sent within a period of between one day and a maximum of one month according to the nature of the complaint.<sup>30</sup>

The unit receives complaints about municipal procedures and against employees or the head and members of the municipal council. Complaints against employees are handled through their superiors. If the complainant does not receive a response, he can address the director general of the municipality. If a complaint is not resolved, it is referred to the head of the municipal council. A complaint against a member of the municipal council is sent to the head of the council; if there is no response, the complaint is sent to the council itself. If there is a complaint against the head of the council, it is sent to the council directly.<sup>31</sup>

The unit submits a monthly report to the head of the municipal council on the number of complaints received, the type of complaint, and the procedures undertaken in response. Recommendations are given by the unit if the complaints are repeated and reflect a certain trend. Obstacles faced by the unit include the need to educate municipal employees about the unit and its importance, and the need to set up a complaints box in the municipality building. The unit needs more employees trained in complaints procedures. The municipality has promoted the complaints unit on its website, through social media networks and through daily informational announcements.<sup>32</sup>

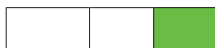
### 1-8 Integrity

**Are there codes of conduct for members of the municipal council? Are they applied in reality?**



There are no codes of conduct for members of the municipal council in Ramallah Municipality, but a proposed draft from the Local Government Ministry was circulated to all local governments in the past and is currently under discussion (during the study) by Ramallah municipal council.

**Are there other regulations relevant to cases of corruption, such as conflicts of interest, gifts, financial disclosure? Are these applied on the ground?**



The heads and members of local governments and their employees are subject to the amended Anti-Corruption Law of 2005 Article 2 (6). Local governments are also subject to Article 31 of the Law for the State Audit and Administrative Control Bureau. The Local governments Law and the laws referred to above stipulate special provisions on

30 Personal interview with Saqer Hanansheh, head of complaints unit in Ramallah Municipality, on October 22, 2013.

31 Hanansheh, *ibid.*

32 *Ibid.*

conflicts of interest and financial disclosure. These two articles are put into practice on the ground; local governments are subjected to an audit by the Bureau on an annual basis. A financial disclosure form was distributed by the Anti-Corruption Commission to the heads and members of local governments, in addition to verbal instructions from the local council on receiving gifts.

Some measures are adopted by the local council, such as refraining from disclosing the names of people who submit applications to prevent any conflict of interest between applicants and members of the local council.

## 2- The Executive / Head of the Executive Apparatus

Capacity	Role	Governance
----------	------	------------

Until the time of the preparation of this study, the Local Government Ministry had not drafted general policies for local governments, despite the fact that the legal tasks and jurisdictions of local governments overlap and conflict with the governments of several ministries. Ramallah Municipality works on the basis of a clear vision and mission statement emanating from the strategic plan, which is based on community participation. The municipality runs its financial affairs on the basis of collecting revenues as stipulated very clearly and explicitly in the law. The Mayor runs the affairs of the municipality using clear and effective mechanisms. However, the municipality still needs to develop its oversight and monitoring of municipal employees and contractors. The municipality also needs to develop working procedures to attain greater transparency in trades and industries that overlap with the Ministry of Economy. The Municipality works with a budget published on its website in a manner comprehensible to the public. It needs to ratify a code of conduct for the head and members of the council as stated in the relevant laws; a draft code is under discussion (during the preparation of this study) by the municipal council.

### Capacity

#### 2-1 Clear tasks

**Do the legal provisions clarify the policies of the work of the local government and the services provided?**



The Local governments Law Article 2 stipulates that the tasks of the Local Government Ministry include establishing the general policies of the work of Palestinian local governments. Article 15 stipulates the responsibilities and jurisdictions of the local government, which are the services it delivers.<sup>33</sup> Although the text in this regard is clear, the Local Government Ministry has not translated this article into a definitive written policy on the work of local governments.

33 The tasks of Palestinian local authorities were referred to in detail in the first part of the report under "Analysis of the current situation."



////////////////////////////////////

The Local governments Law clarifies the services in detail.<sup>34</sup> Some of these responsibilities were referred to in executive laws in relation to other tasks and the dividing lines are blurred between the local government and the relevant ministry, such as the laws on health, the environment, and industry.

**To what extent do the vision and mission of the local government express the priorities of the local community?**



The vision and mission statement of Ramallah Municipal Council is clear and is published on the official council website as follows:

**The vision:** to be a leading, respected municipality that distributes its services fairly and works with professionalism and transparency with all institutions in the city on the basis of partnership and integration.

**The mission statement:** to offer outstanding services to residents and guests that improve the quality of their lives and improve the city to become cultured, accessible, vibrant and embrace development and contribute to the achievement of sustainable development on the basis of rights and justice in delivering services based on community partnership.

=The head of the local council believes that this vision reflects the needs of the local community; the vision is applied through the strategic plan drafted with the participation of the local community, whose priorities were defined through local meetings.

**2-2 Resources**

**Are there legal provisions that enhance the provision of the resources necessary for the work of the local government and ensure implementation?**



Articles 20, 22, 27, 28, 29, 30, 31, 32, and 34 of the Local Governments Law define responsibilities and financial resources. The resources of the local government are listed as follows:

- a) taxes, fees or funds collected in accordance with the provisions of the law, or any other declared system or system that stipulates the collection of taxes, fees or fines.
- b) donations, grants and assistance approved by the council.
- c) the share allocated by the executive government to the local government.
- d) loans that must be approved by the minister; if the loans require approval by the executive government, this requires the approval of the Council of Ministers.

The law clarifies the collection of tax in accordance with legal provisions for taxes on buildings and land in local government areas in terms of estimation, inquiries, collection, exemption and fines permitted under laws and regulations, and from other revenues. The local government collects a fee of 3 per cent of the value of sales of transferable assets sold in auctions within its region.

-----  
<sup>34</sup> The tasks of local authorities were detailed in the first section of the report under "Analysis of the current situation".



The law is clear in stipulating that the government shall allocate to local governments 50 per cent of the fees and fines collected in accordance with the law of transport on the roads within the jurisdiction of the local government; this consists of licenses to own vehicles and other fines.

The law also confirms that the revenues collected by the executive government for local governments are registered as a trust for the local government in the Ministry of Finance. These revenues are distributed by a percentage of at least 50 per cent to the local government where the revenues were collected. The remainder is distributed as decided by the Council of Ministers upon nomination of the minister in light of considerations decided by the law on the allocation of the share.

The Mayor of Ramallah Municipality believes that the resources are clearly stipulated in the law and would be sufficient if the council were able to collect the dues owed, but many members of the public refrain from paying their commitments. The Mayor believes that the responsibility in this case falls on the public who fail to pay and the absence of laws to assist the executive in enforcing the collection of taxes from the public.

In this case, the Mayor stated that additional financial resources must be provided to local governments to enhance their public services. For example, the government should reserve part of its budget to support local governments, as in several countries in the world. Alternatively, part of the taxes collected on behalf of local governments, such as taxes on tobacco and fuel, should be allocated to the local government. According to the Mayor, the opposite happens and the government takes jurisdiction away from the local government in areas considered as part of its financial resources, such as professions and trades.

## **Role**

### **2-3 Management of the executive**

#### **To what extent are there clear and effective mechanisms for the management of local government work?**



The presence of legal texts, regulations and guidelines assist the effectiveness of local government management. The Local Governments Law grants the ministry and local governments the powers to establish their own regulations to guarantee good management. In addition to the general framework for the management of the local government provided by the Local Governments Law, the ministry issued a set of regulations that guarantee best performance and management of local governments. These are as follows:

- Financial regulations were issued in 1999 and signed by the minister, but was not published in the Official Gazette.
- Regulations on procurement and implementation of work in local governments (No. 2 of 1998) were issued by the minister but not published in the Official Gazette; many local governments do not use these regulations, including Ramallah Municipality.



- 
- Regulations for employees in local governments (No. 1 of 2009) and amendments; these were issued by the Council of Ministers and are applied in all local governments.
  - Regulations for buildings and zoning in local governments (No. 5 of 2011); there are also applied, but are not favored by some local governments like Ramallah Municipality because of certain features of their activities.
  - The Local Government Ministry issued the Manual for Heads and Members of Local governments that defines the obligations of the local government vis-à-vis legal and financial matters, rights, duties, and relations with the local community.

**Does the head of the local government possess effective mechanisms to supervise the work of the local government and employees?**

In the management of local government work, compliance with financial and administrative regulations and relevant legislation by employees is crucial and measures are required to enhance the performance of local government managers. This requires the following:

- 1- To draw up a 'work procedures manual'<sup>35</sup> that explains the sequence of procedures to be followed when implementing tasks assigned to employees. This includes job description, scope of supervision, structure, procedures for procuring services, purchases and tenders, contracts, miscellaneous fund, instructions regarding the use of local government property (telecommunications, vehicles, photocopying, stationery), the services offered by the local government to the general public, the jurisdictions and responsibilities of the various departments in the local government, and instructions on daily working hours and permits to leave, vacations, etc.
- 2- To make employees aware of the manual and answer any of their queries.
- 3- To raise the awareness of employees of legislation and laws that regulate the work of local governments.

Ramallah Municipality is advanced in terms of institutional organization. The municipality operates in accordance with a clear organizational structure with defined administration and tasks. This organizational structure starts with supervision by the local council, followed by the head of the local council, then the director general of the municipality. The internal monitoring unit and council committees lie between the local council and the head of the council. The complaints unit and advisors lie between the director general and the head of the local council, then the general administration and departments.

This institutional organizational structure with specialized administrations and employees with specific tasks is one of the most important and effective mechanisms of oversight over the work of the local government. The presence of the local council, internal monitoring and the committees above the administrative line of the head of the council guarantee the quality of work and make the head of council accountable to the council and subject to internal oversight.

---

35 Omar Rahhal. Guide on Good Governance in the Management of Local Authorities. AMAN.

Mr. Musa Hadeed, Mayor of the municipality, stated that it is not easy to run institutions, especially as Palestinian regulations and laws do not permit the local council to bring its own team or make core changes to the existing team as soon as it assumes power. Despite this, the current local council has established alternative means for cooperation with the executive team to achieve the council's vision.

The municipality abides by the regulations for local government employees and appropriate employment procedures, in addition to its commitment to effective laws and regulations in general. The municipality follows a clear system of licensing and building and a unified integrated accounting and financial system, in addition to the clear separation of tasks and the presence of an internal monitoring unit.

Despite the presence of all these systems, they are distributed according to specialization and are not gathered in one clear manual; this would be the best scenario for more effective management.

The administrative systems and units facilitate the work of employees, clarify their tasks and enable the executive head of the council to define the aspects of oversight and responsibilities of each administration.

#### **2-4 Oversight of services**

##### **To what extent is there oversight and accountability of municipal employees, service providers and contractors working with the municipality?**



The executive head monitors municipal employees through the director general of the municipality and through the internal monitoring unit to achieve the following:

- Guarantees sound financial activity, effective use of public funds, and preserves the assets of the municipality.
- Administrative inspection to ensure quality and increased productivity.
- Study and review the relevance of financial, administrative and technical activities with the laws, regulations and procedures in application.
- Ensure transparency, integrity and clarity in public performance to enhance credibility and build confidence in financial, administrative and technical policies through sound governance.
- The executive commits to present a quarterly written report on the work and management of the local council to be presented to the head of the local council, who, in his turn, submits it to the local council.<sup>36</sup>

Mrs. Janet Michael said that during the term of the first local council, a few cases of legal violations by employees were detected, some of them constituting crimes as the receipt of bribes. The municipal council dealt with these cases through legal channels and the formation of investigation committees. Violators were held accountable under the law; some were suspended from service and others were dismissed from the municipality.<sup>37</sup>

36 Personal interview with Maher al-Natour, director of internal monitoring unit at Ramallah Municipality, October 22, 2013.

37 Michael, *ibid.*

//////////

Ramallah Municipality does not provide vital services directly, such as electricity and water, as is the case in other local councils. These services are offered by private companies such as the Electricity Company, or specialized institutions like the Water Authority. The responsibility of oversight and monitoring these institutions lies with specialized parties; the Energy Authority and the Water Authority assume the task of establishing overall policies. Other than that, the role of the municipality in these services is the presence of its representatives on the board of directors. They are in close contact with the local council and keep it updated on the policies of these bodies. Oversight and monitoring of municipal contractors is conducted by specialized departments in the municipality based on the terms of contracts signed with them. In most cases, the municipal council appoints an advisory company to supervise the projects alongside the field engineer appointed by the municipality to monitor the contract. In general, the municipality does not request regular written reports from service providers or contractors unless there is a need for that or based on demand. In most cases, this is replaced by the written reports of advisory companies that submit such reports upon request. The specialized departments in the municipality submit their written reports as part of the quarterly reports or when there is a need. The contractors are held accountable according to the terms of the contract; the contractor is also bound to maintenance contracts after implementation.<sup>38</sup>

Despite the high quality of administrative procedures in the municipality to hold employees and contractors accountable, this was not reflected in the level of public satisfaction with the quality of services delivered by the municipality. A poll conducted by the municipality on its website following a proposal from AMAN (as part of this study) to analyze public satisfaction with four services provided by the municipality revealed low levels of satisfaction. In the best cases the level of satisfaction was no higher than 27 per cent of respondents. This is classified as “poor” on the global standard adopted by local governments in Palestine.<sup>39</sup>

The services selected for the study were the cleanliness of the city; the planning and zoning of streets; lighting in streets; and the sewage system. A total number of 272 people participated in the poll for a period of around two weeks (November 14-26, 2013).<sup>40</sup> The results were as follows:

Regarding cleaning services in the city, 8.9 per cent of participants expressed satisfaction, 41.5 per cent were dissatisfied, and 48.8 per cent were fairly satisfied.

For street planning and zoning, 4.4 per cent were satisfied, 53.2 per cent were dissatisfied and 41.5 per cent were fairly satisfied. The highest level of satisfaction with services was 27.4 per cent for street lighting, while 22.2 per cent were dissatisfied with this service and 49.2 were fairly satisfied. Finally, 24.6 per cent were satisfied with the sewage system, 37.9 per cent were dissatisfied and 35.1 per cent were fairly satisfied.

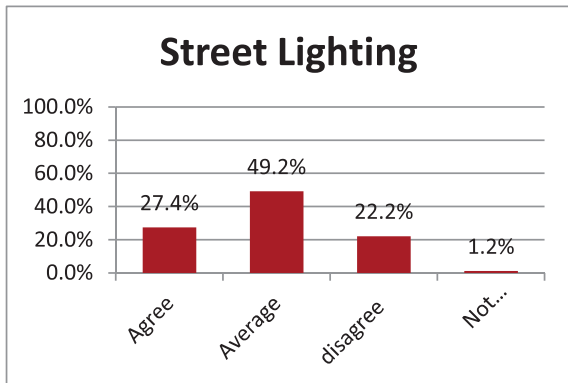
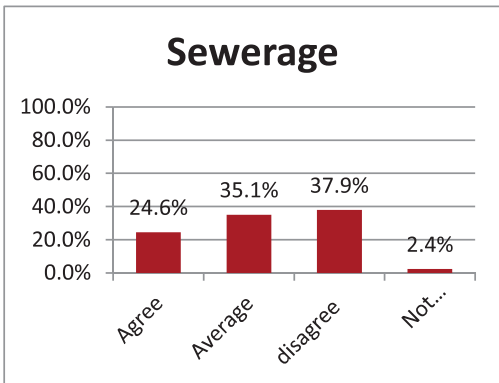
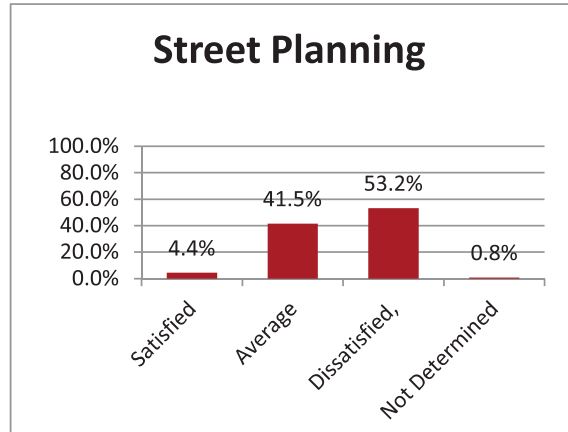
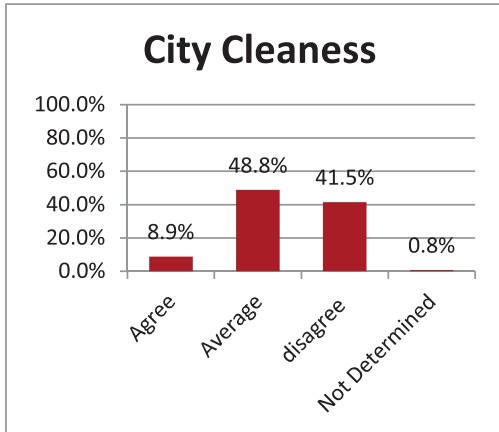
-----  
38 Hadeed, *ibid.*

39 Issam Aqel, *ibid.*

40 This short period of time was sufficient for the purposes of this study, but the poll on the services of the municipality continued until the end of 2013.

////////////////////////////////////

The following figure illustrates the results of the poll conducted to measure public satisfaction with the services offered by Ramallah Municipality



.....

The reasons for low levels of satisfaction in this poll need to be investigated, especially in light of good quality written procedures. For example, if we examine the working environment in the municipality, it is clear that the quality of some services is restrained by the current regulations and procedures in place. The director of the engineering department stated that the absence of regulations and systems to regulate the practices of members of the public and public ignorance impacted on the quality of services and was reflected in the poor level of satisfaction. For example, the sewage system broke down in winter and there were floods of wastewater. The cause was due to some members of the public attaching pipes to drain rainwater from their rooftops into the sewage system. The large quantities of water coming into the pipes overflowed. Also, the municipality has limited financial resources to upgrade services and maintain quality, such as the failure to paint street lanes and lines on a regular basis because of the high costs involved.<sup>41</sup>

**2-5 Regulations and laws relating to trades and industries**  
**To what extent are they transparent and enforced effectively? Are there regular inspections by the local council of trades and industries?**



The Local Governments Law grants the local council the responsibility for the regulation of trades and industries, the allocation of dedicated zones for each type of activity, and authority to supervise shops and workshops that disturb the peace or harm public health.

Trades and industries in Palestine are regulated by the Jordanian Law on Trades and Industries No. 16 of 1953. The law stipulates that any inspector from the municipality, or who is commissioned or instructed in writing by the municipal council, has the right to inspect trades and industries in the regions located within the jurisdiction of the municipality or the municipal council.<sup>42</sup>

Under the terms of the PNA law, trades and industries were placed under the jurisdiction of the Ministry of Industry; the legislator did not address the overlap of authorities between local governments and the Ministry of Industry in this regard.

The Local Government Ministry did not issue procedures or regulations that clarify the limits of the powers of local governments in relation to trades and industries, nor did councils in local governments adopt any procedures to regulate this sector. As a result, local governments remain in dispute with the Ministry of Industry on the application of clauses dealing with trades and industries, as with several executive bodies whose jurisdictions overlap with the work of local governments.

Mr. Musa Hadeed (the Mayor during the preparation of this study) stated that Ramallah Municipality opposed interference by PNA ministries in taking over municipal

-----

41 Personal interview with Udday al-Hindi, director of the engineering department at Ramallah Municipality, on January 2, 2014.

42 Jordanian Law on Trades and Industries No. 16 of 1953.



responsibilities, as with trades and industries, where the municipality insists on maintaining its powers. Despite the ministry assuming jurisdiction over some areas, the municipality remains responsible up to the stage of issuing licenses. If any discrepancies arise on matters related to the collection of fees and conditions for establishment, the municipality refuses to issue the license. The Mayor sees the public as the victim in this dispute because, in some cases, the applicant will be in violation in the eyes of one of the two institutions.

The municipality is committed to the supervision of employment in trades and industries and has exercised its authorities in many cases of violations, transferring cases to the public prosecution where necessary, for failure to pay fees, for example.<sup>43</sup>

The failure to issue laws and procedures that clarify the extent of jurisdictions and end duplication between executive bodies and local governments, plus the failure of various parties (relevant ministries and the executive authority of the local council) to abide by their authorities and jurisdictions will impede effective oversight of this sector.

## **Governance**

### **2-6 Budget transparency**

**Are there legal provisions that stipulate the publication of an annual budget that is understandable by the public? Are there guidelines on the preparation and publication of the budget and are they understood by the public?**



The general budget of the PNA is considered as a law; according to the provisions of the Basic Law, laws are published in the Official Gazette. In April 1999, the Local Government Ministry issued the Financial System for Local governments and in 2005 gave instructions on preparing the budget in Article 33.

The Local Government Ministry issued a manual for the heads and members of local governments. This manual is published on the Ministry website and provides guidelines on how to prepare budgets; a comprehensive explanation of the concept of the budget; operational budgets, profitable budgets, and developmental budgets; the structure of the general budget and attachments to it; the stages of budget preparation and the major parties involved; stages in the ratification of the budget and required amendments; how to implement and monitor the budget; and the need to present a final account statement.<sup>44</sup>

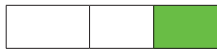
Ramallah Municipality publishes its annual budget on its website in a detailed manner and is easily accessible.

43 Musa Hadeed, *ibid.*

44 Local Government Ministry. *Manual for Heads and Members of Local Authorities*, Ramallah 2005.



**2-7 Holding the executive body/the executive head of the council accountable. To what extent is the executive body effective and consistent in submitting regular reports to the municipal council?**



The director general of Ramallah Municipality (Ahmad Abu Laban) stated that the head of the council presents verbal reports on the weekly activities of local governments in each council session. The local council holds its meetings four times a month. In addition, the head of the council presents a quarterly report in writing to the council on the activities of the council. The weekly council meeting is held according to a specific agenda; the director general of the municipality prepares the minutes of meetings and the decisions issued in those meetings.

Despite the commitment by the head of the council to submit weekly verbal reports and quarterly written reports, the head does not submit monthly written reports on the work of the municipal council and its plans, which would be the best means to reinforce the principle of accountability.

**2-8 Integrity**

**To what extent are there regulations that enhance the integrity of the work of the executive head of the council and are they applied? For example, a code of conduct, regulations on receiving gifts, reporting corruption and avoiding conflicts of interest.**



There are no written regulations for the head of the local council, such as a code of conduct or specific instructions to that effect, but legal texts guarantee the integrity of the head and members of the council. Article 5 of the Local Governments Law stipulates that the head of the council must devote all his time to the council and may not combine this post with another job or profession. If the head of the council has another job, he must submit his resignation or leave his job within a maximum period of one month from the date he assumes his authorities in the council or he shall be considered as submitting his resignation after the one month notice. This legal text includes provisions to guarantee the integrity of the heads of local governments. The principle of full time employment guarantees a high level of performance and avoids conflicts of interest.

Article 13 of the Local Governments Law stipulates the conditions under which the head of the local council or council member may lose his membership in the council: 1- if he works on a case in his capacity as an attorney, expert or proxy or gained a right from the council, thus abusing his membership for his own benefit or interest; 2- if he possesses an agreement with the council or becomes a beneficiary, or any of his first degree relatives, in any agreement with the council, with the exception of contracts or interests resulting from his membership in a public shareholding corporation on condition that he is not the manager, member of the administrative board, or employee in it or its proxy.

It is clear that these two provisions are designed to prevent conflicts of interest, abuse of influence, favouritism or nepotism, thus reinforcing the integrity of the heads and members of local governments.



////////////////////////////////////

### 3- Local bureaucracy

Capacity	Role	Governance
----------	------	------------

Ramallah Municipality works according to an organized and ratified organizational structure that ensures accountability, monitoring and oversight by the head and council members of municipal workers. The municipality works with a reasonable budget that befits its status as one of the largest municipalities in Palestine. The municipality has basic financial and human resources and an infrastructure that prevents it from facing any sudden financial deficit. The municipality applies transparent employment procedures that protect it from favoritism and nepotism. Employees work in the municipality on the basis of neutrality without bias to any factional pressure, but there is no code of conduct to strengthen this policy. The municipality abides by an honest and transparent procurement system and a computerized tax collection system that guards against embezzlement. There are detailed licensing regulations issued by the Council of Ministers that are easy to follow by members of the public. The municipality works to enhance the transparency of its work by publishing its decisions and activities, with the exception of regular administrative and financial reports. The local government system in Ramallah is supported by opportunities for community participation in decision making, but so far there are no codes of conduct for workers in the municipality; the personnel system in local governments enhances the integrity of local government employees in general.

#### Capacity

##### 3-1 Adequate Resources

##### **Presence of financial resources, infrastructure, human resources, availability of a variety of services**



Ramallah Municipality is one of the largest municipalities in Palestine with a relatively reasonable budget; the municipality follows a plan designed to establish self-sufficiency. Mr. Ahmad Abu Laban, Director General of the municipality, stated that the municipality does not suffer from financial crises in covering operational expenses (salaries and basic services) and pointed out that municipal services have continued as normal even during times of emergency and problems. This is because the municipality follows a well-thought-out plan and budget in the development of infrastructure and adheres to this plan.<sup>45</sup>

The Director General of the municipality stated that sufficient human resources are available in the municipality to perform its services and any expansion in human resources would take place in a planned manner because the municipality wishes to avoid job inflation. In addition to permanent employees, the municipality has contracts with temporary employees according to need.

-----  
<sup>45</sup> Personal interview with Ahmad Abu Laban, director general of Ramallah Municipality, in October 2013.

.....

The resources of the municipality come from services estimated at around NIS 60 million or US \$17 million per year from residents. This is sufficient to cover operational expenses, but too small to fund the implementation of the ambitious developmental plan that the municipality aspires to achieve.

The municipality attempts to increase its revenues by:

- Improving the collection of payments from the public, currently at only around 30 per cent to 40 per cent.
- Implementing income-generating projects and investing the funding for use in projects that increase municipal revenues. The municipality depends on funding projects from donors and from central government and from loans assessed to be economically feasible. The Director General of the municipality said the municipality obtains a good proportion of funding from central government.

### 3-2 Independence

#### **Are there legal provisions that protect employment policies from being affected by corruption such as favoritism or nepotism?**



The employees of Ramallah Municipality comply with the personnel regulations applicable to local governments, like all other local councils. Although the system does not include explicit provisions that protect against corruption, such as favouritism or nepotism, Article 44 stipulates that wherever there is a matter not covered by a provision in the regulations, the provisions of the Civil Service Law and its executive regulations shall apply. The Civil Service Law and its executive regulations regulate the appointment process, the announcement of vacancies, the oral and written exams, and the committees to select employees.

In addition, the Director General of the municipality<sup>46</sup> explained that the employment procedures in the local council are transparent. The process starts with the need for employees identified in the annual budget, which is ratified, and then appointment procedures are initiated based on the following steps:

- Announcement in the local newspapers.
- Formation of a recruitment committee that includes a specialized team from the municipality, a delegate from Birzeit University who is specialized in the post announced, and qualified people from within the community.
- The committee drafts the criteria for the job to prepare a shortlist.
- The applicants are interviewed and sit an exam.
- The committee makes recommendations.
- The municipal council takes a decision based on the recommendations.

-----  
46 Ahmad Abu Laban, *ibid.*

////////////////////////////////////

**To what extent does the executive team perform its job in a neutral manner without any political or illegal pressure?**

Local government employees are neutral and professional. In permanent jobs in institutions, the management team changes with elections. This is one of the criteria of the neutrality of employees - they work for the institution and not the party. The Director General of the municipality said that during the last local elections, the executive team held a meeting to assert that the municipal team is an executive body entirely unrelated to the result of elections and employees perform their job free from any political pressure. This is guaranteed by the high level of job security enjoyed by employees, along with clear administrative procedures and a strong workers' union that protects municipal employees. However, there is no written commitment to neutrality signed by the employee, such as a code of conduct or ethics.

**Role**

**3-3 Transparency and integrity in public procurement**

**Is there a purchasing system that guarantees integrity, justice and competition in inviting tenders and selecting bids?**



Local governments follow a system of procurement and implementation of works defined by the Minister for Local Government in 1999; it is not published in the Official Gazette. Although the system issued by the minister was circulated, Ramallah Municipality developed its own system<sup>47\*</sup> for the procurement of supplies and works which it drafted in cooperation with experts. The system was ratified by the municipal council.

This system includes general guidelines for the employees of local governments when performing procurement operations and guarantees transparency and integrity in procurement. It stresses compliance with the instructions and procedures for tenders: provisions for the tender announcement, procedures for the submission of bids, conditions to participate in the bidding process, conditions for the committee to open bids, the committee to evaluate the bids, informing the Local Government Ministry, the committee to decide, delay or withdraw from the process, and instructions for initial and final delivery of the work.

The Tenders Committee consists of the head of the Municipal Council, the Director General of the municipality, the Director of Internal Monitoring, a representative from the Local Government Ministry, and a representative from the State Audit and Administrative Control Bureau. The opening of bids should take place in public in the presence of the competing parties. To prevent conflicts of interest, the head and members of the Municipal Council and their first degree relatives may not participate in the competition.

-----  
<sup>47</sup> The Local Government Ministry has refused to ratify this system because it is working on a unified, standard system for all local authorities.

////////////////////////////////////

**3-4 Support for initiatives of participation and social accountability**  
**The working system of the local government is effective in supporting community meetings for accountability and interaction and participation in the decision making process?**



In general, the relationship between local governments and the public in Palestine is based on poor understanding of the concept of social accountability and this weakens the supervisory role of the general public of local government performance. Also absent are concepts of citizenship and the rights of tax payers within the local government. As a result, the public are not encouraged to participate in local government activities.<sup>48</sup>

The law does not stipulate the need and importance for local governments to assume the initiative and hold sessions where the local council listens to opinions, comments and the needs of the public and responds to their questions on strategic issues of public interest before taking decisions. Historically, there is no tradition of public sessions to allow for participation and enhance social responsibility by the public in local governance, or that promote the accountability of the local government to the public.<sup>49</sup>

Following the last local government elections, local councils responded to encouragement from official institutions and civil society organizations and started efforts to initiate community participation, although this approach is not common practice in all local governments. Ramallah Municipality organized a series of community meetings on the basis of a plan prepared previously. Several community meetings were held to prepare the strategic plan; the municipal council held meetings with parties inside the local community to achieve real participation in the preparation of budget items for the current year.<sup>50</sup>

Ramallah Municipality held its first forum on social accountability in cooperation with the German Commission for Development Cooperation (GIZ). During the forum, the municipality announced the development of various measures to expand participation in municipal activities and projects. Priorities included the development of partnerships with civil society organizations, the private sector, and the government. The municipality gave special attention to support for community organizations working in the city, particularly youth organizations. The municipality also strengthened transparency in its work by publishing its audited financial budget and the decisions of the municipal council on a weekly basis and by organizing regular public meetings.

-----  
48 Aziz Kayed. Integrity, Transparency and Accountability in Public Services offered by Local Authorities. AMAN 2010.

49 Bilal al-Barghouthi, *ibid.*

50 Hadeed, *ibid.*

////////////////////////////////////

The municipal council held its first public session on October 29, 2013 and invited a limited number of people to this first experience. There are plans to hold public sessions to be announced in advance for those who want to register and attend. Priority will be granted to those who register first. The municipality also plans to hold a semi-annual open meeting with an open agenda to listen to the views of the public and their needs, and to hold specialized meetings with experts on specific issues: for restaurant owners, for example.

In addition to the quarterly committee meetings organized on a regular basis, the municipal council will incorporate these plans as a systemic approach in its work to achieve the greatest level of community participation and build public confidence in the municipal council.<sup>51</sup>

### **3-5 Tax collection**

#### **Are there clear and transparent mechanisms to collect taxes and fees from all sectors of society?**



Local taxes in Palestine are categorized into two types according to the collection party: taxes and fees collected directly by local governments, and taxes collected by the central government represented by the Ministry of Finance on behalf of the local government, such as property taxes. In return for collecting this tax, the central government deducts a percentage for its administrative expenses. The collection of financial resources is irregular and there is a great deal of public reluctance to the payment of direct taxes and fees. Irregular transfers of indirect taxes are made by central government to the local government; the Ministry of Finance and Local Government Ministry must accept the blame for this problem. Also, the percentage of tax revenues collected by the central government and allocated to local governments is limited as the central government keeps the bulk of the revenues and only transfers a small portion at its discretion.<sup>52</sup>

#### **Does the tax/fee collection system protect against or eradicate cases of embezzlement or favouritism?**

The municipality collects taxes and fees on the basis of a well-planned computerized system and procedures that limit the opportunities for embezzlement. These procedures separate tasks and functions so that no one person has complete control; any collection of fees requires the signature of five parties to be considered valid. Moreover, the work of collection personnel is controlled by paper vouchers linked to a computerized system; an inventory is conducted on the treasury on a daily basis and checked against the paper vouchers. There is not usually any exemption from taxes, but incentives are offered for prompt or advance payment. Occasionally, the debts of people who are late in paying have to be rescheduled.

-----  
51 Abu Laban, *ibid.*

52 Saleh Abdul Ati, *ibid.*







### **3-6 Protection of property and land ownership rights**

#### **Are there clear regulations and laws that organize the system of granting licenses for construction, taxes and fees?**



The Council of Ministers issued Law No. 6 of 2011 on Building and Zoning for local governments.<sup>53</sup> The system defines issues related to construction, the granting of permits and related fees, and also the payment procedures if licensing is not due to commence for one year. The authority to amend fees is granted to the Council of Ministers upon nomination from the Higher Council for Construction. The system is linked to a table which defines the fees for each license granted by the local government. Ramallah Municipality has a manual of regulations and licensing procedures. There is also a paper distributed routinely by the buildings department to members of the public and engineers who seek a license and which specifies all provisions and conditions that must be met to submit an application for a license. It specifies the fees to be paid, the conditions required in the initial construction and licensing plans, and conditions for granting a trade license.

### **Governance**

#### **3-7 Transparency of management**

#### **Are there legal provisions that ensure transparency of information on activities and decisions?**



The publication of financial and administrative reports by local governments is an important form of transparency. Existing legislation states that these reports need to be given to the Local Government Ministry, but there are no provisions stipulating publication of these reports to the general public, especially residents within the geographical framework of the local government. In this context, the legislative framework does not address the websites established by local governments that enhance transparency and public access to information simply and cheaply.<sup>54</sup> In all cases, a law to organize the right to access information has not yet been legislated in Palestine.

53 Personal interview with engineer Dima Ersan, head of building and permits at Ramallah Municipality, on October 22, 2013. Despite the clear regulations in uniform construction systems in all governorates of the homeland, she argues that provisions which may be appropriate to the geography of land in Jericho and the Jordan Valley may not be appropriate to land in Ramallah Governorate and the system should be adapted according to the special features of each local authority. The Local Government Ministry has expresses reservations on this opinion.

54 Bilal Al-Barghouthi, *ibid.*



////////////////////////////////////

**Is information accessible in practice and on a regular basis?**



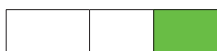
Ramallah municipal council publishes all its decisions on its website, including the strategic plan, the annual budget, its annual activities, announcements and tenders, and the daily news of the municipality.<sup>55</sup> Administrative and financial reports are not yet published on the website; the quarterly reports are submitted by the head of the council to the municipal council. Annual reports are submitted by the local council to the Local Government Ministry, but are not made available to the public.

The head of the Municipal Council announced a policy to make Council sessions public in the first public session of the Council on October 29, 2013. He stated that the decision was a first step in enhancing community participation. In the same session he declared the procedures to organize public meetings, which include an announcement to all those who wish to attend the meeting. The public are present as observers and are not allowed to join the discussion or make comments. Advance registration is required and priority is granted on a first come, first served basis. A maximum of 12 people are allowed to attend as observers per session, with the possibility of attending the entire or part of the session. The agenda of the public session is announced in advance; live transmission and coverage is also broadcast on the Palestine satellite channel. The session will be uploaded on the municipal website and on the municipality's Facebook site. There will be also media coverage of the public session by news reporters, in addition to official coverage by the Department of Public Relations and Media.<sup>56</sup>

**3-8 Accountability of municipal employees and public service providers**  
**Are there legal provisions that ensure regular reporting by municipal employees and service providers, especially from the private sector?**



There is no legal text that obliges municipal employees and the like or service providers to submit regular reports about their work.



The mechanism of administrative meetings and submission of administrative reports in the municipality is based on internal weekly meetings by departments and administrations. For example, the engineering department holds a weekly meeting for the heads of sections and senior employees where they discuss administrative issues of the previous week, accomplishments and problems faced. The criticism of this kind of meeting is that it does not lead to written reports by sections and officials, who only give verbal reports; there are no written minutes of the meetings.<sup>57</sup> Failure

55 See the website of Ramallah Municipality: <http://www.ramallah.ps.index.aspx>

56 Ibid.

57 Uday al-Hindi, *ibid.*



to document the weekly and regular meetings is a problem in the majority of the administrations in the municipality. The director of the engineering department and the head of internal monitoring in the municipality confirmed this internal failure. On a general administrative level, the municipality holds a regular monthly meeting called "the executive administration". Each head of department presents an oral report about the work of his department and these reports are documented by the various administrations, which prepare minutes of a meeting to review the accomplishments, problems and recommendations of each department.<sup>58</sup>

Quarterly written reports are presented by the various administrations under the title of accomplishment reports. The department reviews achievements under the annual plan and there is an item under comments devoted to proposals and recommendations by the administration, as is the case in the engineering and health departments. The quarterly reports are submitted to the head of the Municipal Council for presentation to the council. The preparation of these reports facilitates the process of following up work and holding people in charge accountable.<sup>59</sup>

In addition to these reports by the administration, there are reports that monitor the attendance of municipal employees and are considered to be effective tools to ensure the daily attendance of employees. There is also a daily report on the inventory for the collection of funds; these reports are extremely important for financial monitoring and control of potential embezzlement. Other than these reports, there are reports that are prepared upon request or according to need.<sup>60</sup>

---

58 Ibid.

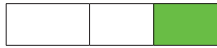
59 Abu Laban, *ibid.*

60 Abu Laban, *ibid.*

---

### 3-9 Integrity of service providers

**Are there systems that enhance the integrity of the executive team and service providers, such as codes of conduct or instructions on receiving gifts and reporting corruption?**



There are no codes of conduct for the executive team, but Article 28 of the system for local government personnel spells out acts that are prohibited while in the employ of local governments. This is intended to guarantee the integrity of local government employees and ensure against conflicts of interest and favouritism or nepotism. The prohibited acts are:

1. To commit an act or appear in a form that disgraces the honour of the post.
2. To accept personally or for others a grant, gift or privilege as a result of performance of duty, or to accept a promise of such a nature.
3. To disclose information or clarifications about matters that must remain confidential or that can only be disclosed with special permission.
4. To personally keep the original of an official document, or to remove the original from special files that the employee maintains, even if the employee wrote the document.
5. To be a waged proxy performing work on behalf of another person.
6. To combine the post with other work performed personally or through mediation if this action affects the employee's professional performance or conflicts with the requirements of the post and which might lead to a benefit, especially:
  - a) any commercial act or financial speculation, especially that related to data or information that the employee has access to via their position;
  - b) purchase of real estate or transferable items put up for sale by the local government;
  - c) relating to rent land or real estate that belongs to the local government for the purpose of exploitation;
  - d) to participate in work or contracts that the employee is assigned to prepare or implement, or receive benefit from them.

////////////////////////////////////

#### 4- Political Parties/ Local Council

Capacity	Role	Governance
----------	------	------------

The Election of Local Governments Law organizes aspects of financing electoral campaigns, including declaring sources of finance and requiring candidates to submit financial reports to the Central Elections Commission. The text does not stipulate that information should be published to the general public. The law did not set a financial ceiling for electoral campaigns and it guarantees fairness in allowing all members of the public to stand for election and equal access to the media by candidates. As a result of the guarantees of the Elections Law, the Municipal Council in Ramallah Municipality represents a variety of blocs, religions and women, with the exception of members of Hamas, which boycotted the local elections. Members of the municipal council stated that they enjoy independence from their political parties when participating in council decisions and implementing its activities. Despite clear provisions in the Law to Combat Corruption requiring local council members to submit financial disclosure, members had not done so after one year after their election.

#### Capacity

#### 4-1 Availability of resources and integrity of elections

**To what extent are there adequate resources for electoral campaigning? Is electoral funding declared publically?**



An electoral campaign is a series of activities and events organized by electoral lists and candidates to explain their programs to voters and for the public to vote for them in a manner that abides by the law and regulations in effect. Article 25 of the Election of Local governments Law No. 10 of 2005 stipulates that each electoral list or its candidates have the right to organize what they deem appropriate in terms of activities to explain their electoral programs to voters in a manner that does not contradict with existing laws and regulations.

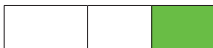
The law also stipulates that each electoral list must submit a detailed and audited statement to the Elections Commission within a maximum period of one month from the date of the final election results. The statement must be audited by an external auditor and must identify all sources of funding obtained and the funds spent during the campaign, regardless of the final result of the elections. The declaration of funding is to be submitted to the Elections Commission only. However, there is no legal provision that forces candidates to declare their sources of funding to the public and the law does not oblige the Central Elections Commission to publish these reports publically.

Are there legal provisions that organize the sources of funding and set a ceiling?



Palestinian law bans any electoral list from obtaining funds for its campaign from non-Palestinian internal or external foreign sources, directly or indirectly, whether the funds are in kind or cash. The Elections Law does not stipulate a financial ceiling for spending on electoral campaigns. This is detrimental to fair competition between candidates in their campaigns.

Extent of diversity and sustainability of financial resources



Palestinian law defines the sources of funding for electoral campaigns and allows each electoral list to receive donations from Palestinian natural persons or entities with a legal personality residing inside or outside of Palestine. The law prohibits any electoral list from obtaining funding for its campaign from the PNA.

Free competition and equal access to media during electoral campaigns



**Official media:** the official media adopts a neutral position and cannot perform any electoral activity that is tantamount to support for a specific list. The official media is not allowed to broadcast any material related to the electoral campaigns of the lists without the approval and supervision of the Central Elections Commission, which is careful to grant all competing lists equal and fair access to the official media. A memo of understanding was signed with the Palestinian Broadcasting Corporation in its capacity as representative of the official media stipulating that the official media will adopt a neutral position in the stages of the electoral process and will provide free media spots on Palestine TV and Voice of Palestine to all electoral lists according to a special schedule to be decided by the Central Elections Commission.

The Central Elections Commission asked the lists wishing to broadcast their electoral campaigns free of charge to provide the Commission with the material within defined dates for broadcasting during electoral campaigning. In the first round, 137 lists broadcast their campaigns and there were ten lists in the first complementary elections. In the second complementary elections, no material was broadcast for any list.<sup>61</sup>

**Private media:** although there are no legal controls over the private media, the Central Elections Commission defined procedures for electoral campaigning in the private media, mainly the date when it can start and end and a prohibition on incitement or slander against any of the lists or candidates. The Central Elections Commission set a condition that the private media must consult with the Commission when broadcasting

61 Report of the Central Elections Commission on the local elections.

any material pertaining to the electoral process. For this purpose, it established a special monitoring unit to supervise the electoral process on social media networks, TV, radio stations, and internet websites.<sup>62</sup>

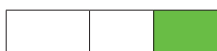
#### 4-2 Independence

**To what extent are members of the local council, especially minority parties in the council, immune from interference by external forces (from outside the council) in the implementation of policies and activities?**



The municipal council was subjected to more than one attempt to influence it when taking decisions related to the implementation of certain procedures because council members are not immune from interference or pressure from external forces, although many council members stated that the council was not affected by these pressures.

**Do the members of the local council enjoy total freedom when taking decisions? Or are they committed to the policies of their parties?**



The members of the local council who were interviewed stated that members take decisions free from policies or interference from their parties.

#### Role

#### 4-3 Representing society

**To what extent do the members of the council represent society?**

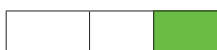


If we exclude the special circumstances resulting from the Hamas boycott of the elections for political purposes unrelated to the local governments, Ramallah Municipal Council represents most sectors of society: there are 15 members (eight Christians and seven Muslims, including three women). Members are from various political blocs (independent, PLO factions, and Fatah) in affiliation, but not official membership. Some members represent professionals, merchants, the services sector, and the construction sector.

#### Governance

#### 4-4 Transparency

**To what extent do legal provisions exist that force members to commit to financial disclosure?**



The amended Law to Combat Corruption of 2005 defines very explicitly those to whom the provisions of the law apply, including the heads and members of local government councils.

62 Ibid.





Mrs. Rasha Amarneh, director general for legal affairs in the Anti-Corruption Commission stated that, following the elections when local governments assumed their posts, 3422 financial disclosure forms were distributed, but only 1051 were returned. Ramallah Municipality was not one of the councils that completed these forms and the Commission is pursuing those councils that failed to comply with the legal procedures.<sup>63</sup>

The head and members of the municipal council in Ramallah stated that they had not yet completed the forms because they were not convinced that the Local governments Law required it of them, and for other reasons related to the procedures of the Anti-Corruption Commission on the financial disclosure forms. The head of the municipal council and director general of the municipality pointed out that during a workshop held to discuss the draft report, the council took a decision to complete the forms within a period not exceeding ten days<sup>64,57</sup> from the date of the workshop.

**To what extent do the public have access to information on financial information about members?**



Article 22 of the Law to Combat Corruption stipulates that financial disclosures and procedures taken to investigate and inspect complaints filed regarding corruption are confidential matters that must not be disclosed without an order from a competent court. Since there is no legislation that forces members to disclose information about their properties and funds, and there is no personal initiative by members of the council to disclose such information, no ordinary member of the public can access any financial information about council members.

**4-5 Accountability**

**What role does external assessment and auditing play in electoral campaigns? What mechanisms of accountability exist for spending on electoral campaigns?**



According to the Election of Local governments Law, each electoral list that participates in the elections, regardless of the results, must submit a detailed financial statement declaring all the expenses of the electoral campaign, the sources of funding, and how the money was spent. The Commission has the right to ask for audited financial statements, referred to in clause "one" of this article.

**To what extent are there legal provisions that regulate the financial affairs of political candidates/members? Are they subject to financial disclosure?**



The candidates in elections are not subject to the law on financial disclosure.

63 Personal interview with Rasha Amarneh, director general of legal affairs in the Anti-Corruption Commission, on October 30, 2013.

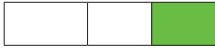
64 The workshop was held on January 27, 2014.



////////////////////////////////////

#### 4-6 Integrity

#### Are there fair and transparent measures and criteria on running as candidates and the selection of candidates?



The Election of Local Governments Law defines the procedures and criteria to run as a candidate in local elections. The provisions of the law state that the nomination period is ten days only, starting 44 days before the day of the elections. Nomination can only take place through electoral lists based on the following conditions:

- 1- To submit the application on the special form prepared for that purpose by the Central Elections Commission.
- 2- The number of candidates in the list must not be less than the majority of the number of seats allocated to the local government.
- 3- There should be the minimum ceiling for female representation.

The law also defined special conditions applying to candidates on the electoral list as follows:

1. The candidate must be 25 years old by the day of the election.
2. To be registered in the final voters list in the local government where he wants to run and to meet the conditions to be a voter.
3. To resign if the candidate is an employee in the Local Government Ministry or in any of the public security services, or in the local government or its attorney; he must resign and attach an official letter with the application showing approval of the resignation.
4. The candidate must be a resident in the local government where he runs for election for a period of no less than one year from the date of the elections and must not run in any other local government or list.
5. The candidate must not have any court rulings against him for any honor-related misdemeanor or crime.

#### 5- Regular Courts

Role	Effectiveness
------	---------------

In the Palestinian local government context the local courts' body does not exist, therefore the advisory group of the study agreed on assessing only the regular courts' role and capacity and exclude the internal governance.

The municipal courts are still not in a position to examine all cases for several reasons explained below. Although judges from the High Judicial Council were assigned to the municipal courts, there is no one single judge who devotes all his time to the municipal courts. Thus, the problems that exist in public courts are repeated in the

////////////////////////////////////

municipal courts. A large number of cases are postponed to the following month; around 85 cases were postponed to the following month in November 2013. Cases involving corruption are examined in the corruption crimes court. The problem that has plagued this court since its establishment is the delay in issuing sentences, despite the Anti-Corruption Law stipulating that cases must be heard and a sentence declared within ten days. Some cases have been in the court for more than one year and this slows the course of justice and undermines public confidence.

### **5-1 Investigation of local governments**

#### **To what extent are the regular courts effective in hearing cases related to local governments?**



According to the Law of the Formation of Regular Courts No. 5 of 2001, the regular courts in Palestine hear all disputes and crimes unless there is a special legal text stipulating otherwise. The judicial authority oversees all personnel and defines the rules of specialized courts, which perform their work in accordance with the law. Court sessions are public unless the court decides on its own or upon a request from one of the adversaries to hold a secret session for ethical reasons or to maintain public order. The sentence in all cases must be issued in a public session. The regular courts consist of magistrate's courts, courts of first instance, appeals courts, and the higher court.<sup>65</sup>

Despite the developments and progress taking place in the judicial authority and the work of the courts in recent years, the Palestinian judiciary still faces several problems, mainly:

- Lack of social culture on the importance of respecting the rule of law in Palestine.
- High number of cases still pending in courts, which slows the course of justice.
- Problems related to difficulties in summoning the parties involved if they reside in the Palestinian territories under Israeli control.

According to the Judicial Authority Law and the Law of the Formation of Regular Courts, specialized courts may be formed in some fields to guarantee a prompt hearing of cases. The municipal court is one of these specialized courts and hears cases of violations of the Palestinian Local Governments Law.

On September 1, 2013, the High Judicial Council issued Decision No. 196/2013, to appoint 13 judges to become judges in municipal courts alongside their regular jobs – i.e., part time judges. These courts convene in the municipal headquarters and not in the main courts. In the Ramallah municipal court, a part-time judge was assigned to the municipalities of Ramallah, al-Bireh, Birzeit, al-Ram and Beitounia.

Ramallah Municipality holds its court every Thursday in the presence of the judge and one policeman to organize proceedings. The monthly log of cases heard by this court in October shows that the court has a very high volume of cases to be heard.

-----  
<sup>65</sup> Law of the Formation of Regular Courts No. 5 of 2001.

There were 120 cases postponed to the following month up to November 6, 2013, in addition to five cases in October. This makes a total of 125 cases to be heard by this court; 40 cases were heard and sentences were issued, while 85 cases were postponed to the following month.

The fact that the judge works as a part time judge in Ramallah Municipality and is charged with the courts of four other municipalities is one of the reasons for the high backlog of cases still pending.<sup>66</sup>

Apart from the number of cases postponed to the following month, the second problem relates to the delay in issuing sentences due to the absence of effective cooperation between the parties in the justice system.

## **5-2 Investigating cases of corruption**

### **To what extent are courts prepared and effective in hearing cases related to corruption?**



The public prosecution and corruption crimes court were formed in 2010. It is a delegated public prosecution that acts as an addition to the specialized court to hear cases of corruption. The law sets a specific timeline to ensure that corruption cases are handled promptly; these are different from the dates adopted in regular cases. The law stipulates that the court will hear the cases submitted to it from the Anti-Corruption Commission within a period not exceeding ten days from the date the case is submitted. The session is held for this purpose on consecutive days and the court may not delay the session for more than three days unless there is a specific need or for reasons referred to in the delay decision; this applies to all steps of litigation.

By the end of 2012, the corruption crimes court had received a total of 66 cases, including cases related to local governments.<sup>67</sup> By the end of 2012, sentences had been issued in 18 cases, including 17 cases where there was a conviction, and one case resulted in an acquittal.<sup>68</sup> The effectiveness of these courts is impeded by the long period of time required for a case to be heard.

66 Monthly log at Ramallah Municipal Court issued on November 6, 2013.

67 The researcher could not quote the number of cases involving local authorities because she was not given a figure by the Anti-Corruption Commission.

68 Rasha Amarneh, *ibid.*

Tasks of external oversight and accountability

6- Handling complaints: procedures for objections, appeals and to request information

Capacity	Effectiveness
----------	---------------

PNA institutions follow a clear, accessible and easy-to-use official complaints system; complaints can also be made through civil society organizations. The system starts by filing the complaint with the local government and the complaint may reach the higher court to hear administrative responses. There is no independent complaints system for local governments. The complaints system currently in place is effective and leads to the resolution of the majority of complaints filed by the public about the decisions and work of local governments.

Capacity

6-1 Are there clear and independent procedures to deal with complaints by the public?



In 2003 the Council of Ministers decided to establish specialized units in the Cabinet and the various ministries to investigate complaints by the public. A complaints system was established in 2009 for ministries, institutions and authorities belonging to the Council of Ministers. The Council of Ministers defined the goals, plans and coordination with the relevant ministries and institutions to resolve complaints, provide justice to the public, and establish policies that improve performance in ministerial and non-ministerial institutions.<sup>69</sup>

- The Council of Ministers declared Complaints System No. 6 of 2009 that stipulated the criteria for filing a complaint.
- The Council of Ministers issued a special procedures manual on the complaints system in the same year, in addition to an official form for filing complaints. As in all ministries, the manual also applies to the Local Government Ministry, which receives the complaints related to the work of local governments. The system, manual and complaints form are available on the website of the Council of Ministers.
- **The State Audit and Administrative Control Bureau Law** stipulates that looking into complaints by the public is part of its authorities, including investigating complaints filed by the public about violations or negligence in the performance of duties, and studying media reports and investigative journalism on aspects of negligence, poor performance or abuse of authority in public institutions. Therefore,

69 <http://www.palestinecabinet.gov.ps:8066/aboutus.aspx>



- the Bureau receives complaints related to the work of local governments.
- **The Amended Law to Combat Corruption** stipulates that it has the right to investigate complaints filed about corruption, including the work of local governments. The law also stipulates that it may receive reports and complaints about corruption for investigation, gathering evidence, ascertaining violations and proceeding with the necessary administrative and legal procedures in accordance with the provisions of the law and relevant legislation.
  - The Independent Commission for Human Rights<sup>70</sup> also receives complaints from the public. The Commission leads the work to gather and follow up individual and collective public complaints related to human rights violations committed by official and semi-official authorities, including the work of local governments and their working procedures.<sup>71</sup>
  - The public may also resort to civil society organizations, including AMAN, which includes the Center for Advocacy and Legal Counseling, a specialized center to receive complaints by the public and pursue them with the official parties.
  - Some municipalities have established internal units to receive complaints from the public, but there is no authorized dedicated system for complaints inside local governments.
  - If all of these channels above are exhausted, the public can apply to the judiciary through the regular courts.
  - Referral to the Higher Court: decisions by local governments are binding administrative decisions since the local government is an independent legal entity. The law permits individuals or commissions to appeal against administrative decisions by filing a complaint or appeal to the higher court to examine the case on the basis of the specialization of this court as defined in the Law of the Formation of Regular Courts. This includes appeals to cancel final administrative decisions or regulations that affect individuals, and other administrative disputes.<sup>72</sup>

## Effectiveness

### 6-2 Are the procedures to file complaints against local governments clear and easy to follow? Are complaints filed against them resolved in practice?



The State Audit and Administrative Control Bureau has an internal manual on procedures to file a complaint, but it is not published. The Bureau has allocated a section on its website for receipt of complaints and a complaint may be filed anonymously

70 mended Basic Law stipulates the establishment of a Commission for Human Rights based on a law that specifies the formation of the Commission and its tasks and jurisdictions. The Commission shall submit its reports to the President of the PNA and the Palestinian Legislative Council; the Commission was established by a presidential decree.

71 See the official website of the Independent Commission for Human Rights [www.ichr.ps/ar/](http://www.ichr.ps/ar/)

72 The Law of the Formation of Regular Courts No. 5 of 2001.





to encourage the public to file a complaint freely. Although it is a positive step to maintain the anonymity of the complainant, this measure has led to an influx of a huge number of complaints for the small team available to deal with them. Moreover, several complaints were considered to be malicious.<sup>73</sup>

The Bureau receives many complaints about local governments. A summary of these complaints and how they were resolved was published in the annual report for 2012; 28 complaints involving local governments were investigated during that year.<sup>74</sup>

On its website, the Anti-Corruption Commission publishes a form for use when filing a complaint, in addition to describing other means by which the public may file a complaint. The Commission received several complaints and investigated them, or asked the Bureau to investigate them. Some complaints were resolved directly, while others were transferred as cases of corruption.<sup>75</sup>

The Independent Commission for Human Rights also describes procedures for complaints on its website.

In 2012 the Advocacy Center for Legal Counseling at AMAN received 22 complaints against local governments and these complaints were pursued with the relevant institution according to the type of complaint: the State Audit and Administrative Control Bureau, Anti-Corruption Commission, Local Government Ministry. The cases were closed following legal resolution.

## 7- Auditing and Monitoring

Capacity	Effectiveness
----------	---------------

The State Audit and Administrative Control Bureau and the Local Government Ministry, audit and monitor the work of local governments. The Bureau conducts a detailed and specialized audit only on selected local governments over one year because of a shortage of professional staff to perform this task. The Ministry audits all local governments twice a year, but its auditing is general and not detailed. The audit by the Bureau is seen as effective as it resulted in the investigation of suspicions of corruption in more than one local government and files were referred to the Anti-Corruption Commission. The Bureau succeeded in identifying a number of financial irregularities in local governments and determined the causes and the amount of loss resulting. The Bureau is hampered by the fact that a large number of local governments fail to abide by the recommendations resulting from the auditing process.

73 Personal interview with Saleh Misleh, acting director general to supervise local governance units, on October 10, 2013.

74 See the annual report of the State Audit and Administrative Control Bureau of 2012.

75 Personal interview with Rasha Amareh, director general of legal affairs in the Anti-Corruption Commission, on October 30, 2013.





---

## Capacity

**7-1 To what extent are laws and funding available for regular auditing by central government? To what extent does the government conduct real auditing of the local government? Does it abide by the specific time schedules, competent monitors, and specific goals, and are the results of general auditing published?**



The State Audit and Administrative Control Bureau and the Local Government Ministry are officially assigned to audit and monitor the work of local governments in the following manner:

### **The State Audit and Administrative Control Bureau**

The State Audit and Administrative Control Bureau audits and monitors local governments in terms of the sources of funding and expenses of the local government and the legality of its financial and administrative measures. Due to the long period of time required by the Bureau team to conduct a detailed auditing process and the shortage of professional staff, the Bureau audits only 40 local governments per year. Detailed and professional auditing cannot be conducted on all local governments on an annual basis. Although the law stipulates that the Bureau should publish its annual report in the Official Gazette, this does not take place. The Bureau does not publish all its reports on its official website despite publishing several quarterly reports and special monitoring reports.<sup>76</sup>

In the annual report for 2012, the Bureau stated that it had published 50 reports monitoring the work of local governments and detailing the most significant violations:

- Embezzlement, suspicions of embezzlement and misappropriation of funds in some local governments due to weak monitoring and accountability and some individuals monopolizing decision making.
- Some local governments fail to abide by sound accounting procedures to record financial transactions related to receivables and payments.
- Some local governments do not collect fees as stipulated in the law and regulations.
- Appointments in some local governments are made directly without following the legal procedures in the appointment process.
- The Local Government Ministry and local governments where embezzlement and corruption were found did not disclose the debts arising from corrupt practices.
- Some heads of local governments, council members or employees implement works or sign procurement agreements for supplies in their personal capacities, thus leading to personal benefit: this is a conflict of interest.

---

<sup>76</sup> Saleh Misleh, *ibid.*

---

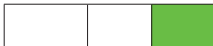
## Local Government Ministry

The Steering and Supervision Department in the Local Government Ministry conducts two auditing visits per year to all local governments in the PNA territories. However this auditing report is not comprehensive and detailed like that of the State Audit and Administrative Control Bureau. There is insufficient funding from the government for auditing and supervision and there is a serious shortage of specialized human resources. Thus, the Ministry attempts to coordinate with the Bureau on joint reports. In most cases, the Ministry has access to information on local governments but does not publish the reports, which are therefore not accessible to the public. The reports are only sent to the local government targeted.<sup>77</sup>

Auditing by the Bureau and the Ministry cannot be considered complete or comprehensive since a large number of local governments remain outside the comprehensive auditing and supervisory process conducted by the Bureau.

### Effectiveness

**To what extent do local governments implement the recommendations of the auditing process? Does central government detect and inspect flawed financial practices in local governments? Can central government access all financial records and transactions at local level? Can it request information? Do central government or central official bodies inspect the effectiveness of internal auditing in the various departments at local level and do they offer technical support?**



According to the law, the Bureau is permitted access to all financial and administrative records. The Bureau does not face any difficulty in accessing records in the large local governments classified as 'A' because they adopt institutional practices and measures. However, the Bureau faces tremendous obstacles when trying to access financial records in village councils that lack institutional awareness and organization and have poor financial skills and no specialized executive team. This impedes access to financial and administrative records that might not even exist in the first place. In these councils, large administrative and financial violations can be hidden since records are placed in the hands of one person.<sup>78</sup>

Mr. Saleh Misleh, acting Director General of Local Governance in the Bureau, said one of the priorities of conducting an audit is to ensure that there is internal oversight inside the local government. This task was referred to as part of the work of the Bureau in the Law for the State Audit and Administrative Control Bureau: "To ensure that the

---

<sup>77</sup> Personal interview with Doha al-Barghouthi and Mohammed Hasasneh, steering and supervisory department in the Local Government Ministry, on October 21, 2013.

<sup>78</sup> Misleh, *ibid.*



apparatuses of internal monitoring, auditing and follow up in financial centers in the PNA exercise their tasks in a sound and effective manner, and study the regulations that organize their work to ensure that they are effective and accurate in achieving the defined goals". Many local governments do not have internal auditors or internal auditing units and this problem was not addressed in the Local Governments Law, which did not legislate for internal auditors or internal auditing units inside local governments.

Within this context, the Bureau performs its role of providing technical support to local governments willing to appoint internal auditors or establish internal auditing and monitoring units. The Bureau has assisted many local governments to create such units and to draft procedure manuals and job descriptions for internal auditing. Not all local governments abide by the recommendations of the Bureau, as documented by the Bureau in its annual report in the section on local governments. The same uneven commitment applies in the responses of local governments to the recommendations of the Local Government Ministry.<sup>79</sup>

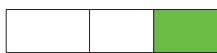
## 8- Investigating Cases of Corruption

Capacity	Effectiveness
----------	---------------

The Anti-Corruption Commission acts individually or in cooperation with the State Audit and Administrative Control Bureau to detect and investigate cases of corruption in general, including in local governments. Several cases of corruption in local governments were referred to the Commission by the Bureau; the Commission then refers them to the corruption crimes court. There are also cases that are investigated by the Commission itself with the local governments or complaints to the Commission have resulted in the cases being transferred to the corruption crimes court, where sentences were issued.

### Capacity

#### 8-1 Are there parties or bodies to inspect and detect cases of corruption? What are these bodies and what is their role?



#### The Anti-Corruption Commission

The Amended Law to Combat Corruption granted the Anti-Corruption Commission the right to investigate complaints about corruption and to investigate suspicious activity committed by individuals to whom the provisions of this law apply. The Commission also conducts investigations, gathers evidence, detects violations, and proceeds with the necessary administrative and legal procedures in accordance with the provisions

79 Ibid.



of the Law to Combat Corruption and relevant legislation. The Commission has the right to pursue any individual who violates the provisions of the law and may take legal measures, summon witnesses and other relevant persons (civil servants or private sector employees) or any person related to the case, investigate the alleged incident of corruption, request files, statements, papers or documents or obtain copies of them, including confidential material, according to the standard legal procedures.

The Commission has the right to start any investigation independently to follow up a case of corruption or in response to a complaint it receives. The Commission has the right to file cases with the public prosecution in accordance with the provisions of the law and relevant legislation. Cases are opened in accordance with the law and it is not possible to stop or withdraw a case or reach an agreement, with the exception of cases stipulated in the law.<sup>80</sup>

As is apparent, the law grants the Commission several practical means to inspect and detect corruption efficiently.

### **The State Audit and Administrative Control Bureau**

The Law of the State Audit and Administrative Control Bureau grants the Bureau strong powers that enable it to perform its duties of supervision and inspection in an effective manner. According to the law, there must be no interference whatsoever in the work of the Bureau; all parties under this law must cooperate fully and the head of the Bureau has the right to form provisional committees for monitoring, inspection, or investigation, headed by an inspector. The committee fulfills tasks or examines specific cases that are part of the jurisdiction of the Bureau and submits its reports to the Bureau. The Bureau defines its goal as ensuring sound work and financial and administrative stability in the three PNA authorities: the executive, the legislative and the judiciary. The Bureau detects financial and administrative irregularities, including cases of abuse of authority in public office, and ensures that public performance complies with the provisions of the law, regulations and instructions in effect, and that public performance is exercised in the best possible manner at the lowest cost.

### **The Local Government Ministry**

Steering and supervisory units distributed in the Ministry's offices in the governorates conduct annual auditing on local governments but, as stated above, this auditing is general and not as detailed as the auditing of the State Audit and Administrative Control Bureau or the Anti-Corruption Commission.

---

80 The Amended Law to Combat Corruption of 2005.

---

## Effectiveness

**8-2 Were real cases of corruption at local level investigated and resolved? Are there cases of corruption that were detected by media professionals or by the Anti-Corruption Commission? How many cases were detected and investigated last year? How many cases were transferred to courts?**



According to the annual report for 2012, the Bureau pursued 28 complaints related to local governments: 17 cases were transferred to the Anti-Corruption Commission because of suspicions of embezzlement and misuse of public funds.<sup>81</sup>

The director general of legal affairs in the Anti-Corruption Commission confirmed that the Commission had investigated cases of corruption in several local governments and had transferred some cases to the corruption crimes court. The majority of cases dealt with abuse of authority and embezzlement and in most cases, the accused were either collection employees or cashiers, highlighting the lack of institutional practices in local governments.<sup>82</sup>

## 9- Raising awareness of combating corruption and advocacy activities

Capacity	Effectiveness
----------	---------------

Several official institutions and civil society organizations implement programs and initiatives to raise public awareness of the fight against corruption. Despite coordination between the parties on this issue, it has proved insufficient. None of the implementing institutions have measured the impact of their initiatives, apart from identifying indicators such as the high number of complaints filed against local governments. The local media have also failed to fulfill the role of raising public awareness and educating about combating corruption.

---

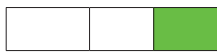
81 The Annual Report of the State Audit and Administrative Control Bureau, *ibid.*

82 Rasha Amarneh, *ibid.*

////////////////////////////////////

## Capacity

**9-1 To what extent are the different parties, such as the Anti-Corruption Commission, the media and civil society organizations, capable of raising public awareness locally about fighting corruption and lobbying? Are there training activities to raise the awareness of representatives of local governments? Is there coordination between the various bodies to raise awareness locally?**



**The official institutions:** the Anti-Corruption Commission, the State Audit and Administrative Control Bureau, and the Local Government Ministry

Improving awareness, education, training and community participation is the third national strategic theme to combat corruption in 2012-2014, as drafted by the Anti-Corruption Commission.<sup>83</sup>

The Amended Law to Combat Corruption stipulates that one of the tasks of the Anti-Corruption Commission is to raise awareness in the community at official and non-official levels of the dangers of corruption and the impact on economic, social and political development, plus how to combat and prevent such crimes. This can be achieved by gathering information on all forms of corruption and establishing a database and information system for the exchange of information with the parties concerned to combat corruption internally and externally in accordance with the regulations in effect. Coordination is required with all PNA institutions on developing and updating procedures to prevent corruption. Coordination is also required with the media, civil society organizations and educational organizations to encourage their contribution to activities against corruption and enhancing public awareness of the dangers and impact of corruption. A culture of intolerance towards corruption and corrupt individuals should be developed and there should be regular publications illustrating the dangers of corruption and nepotism in PNA institutions and their administrations.

The Commission implements several awareness activities to combat corruption, including preparing and distributing brochures and coordination with media institutions to organize workshops for media professionals on combating corruption, such as the work done with AMAN and PYALARA. The Commission conducted several community meetings to raise awareness in the local community on corruption, its forms and its dangers, how to report it and to explain the role of the Commission and its tasks and jurisdictions.

Although the Law of the State Audit and Administrative Control Bureau did not specify education and raising awareness of combating corruption or providing procedures to assist the Bureau in this field, the Bureau contributes to raising public awareness

-----  
<sup>83</sup> The Anti-Corruption Commission, National Strategy to Combat Corruption, 2012-2014.

through radio advertisements and publications on its website. The State Audit and Administrative Control Bureau and the Local Government Ministry participated in implementing 12 specialized workshops for local government employees. An agreement was signed between the Anti-Corruption Commission and the Ministry entitled the Joint Plan to Implement National Strategy to Combat Corruption 2012-2014. As part of the plan, the Bureau participated in three major workshops for local governments in the northern, central and southern parts of the West Bank; the workshops were organized by the Anti-Corruption Commission with the participation of the Local Government Ministry. The workshops aimed to train and raise awareness among all members of elected local governments of the forms of corruption that they may face. The workshops also raised awareness on the law and the work of the Commission and introduced procedures to combat corruption in local governments.<sup>84</sup>

## **The media and civil society**

### **Media:**

The reality of the work of media professionals reveals a number of challenges that explain the media's limited role in combating corruption and the lack of effective media coverage of corruption. Media professionals face the problem of access to information and the freedom to publish information. Although media professionals have a responsibility to shape public opinion, they face difficulties in investigating cases and gathering evidence. In practice there is no access to information; disclosure of information has not yet been legislated and the law does not protect or strengthen demands for freedom of information.<sup>85</sup>

To date, journalists remain unprotected and unequipped to deal with information on cases of corruption and how the courts address these cases. Some journalists lack the skills to investigate and document such cases, including legal knowledge and the limits of ethical and legal responsibility in the field of corruption. Journalists reflect their fears in their work, and practice self-censorship amidst the chaos of arbitrarily-enforced laws. The existing penal code allows the Attorney General to arrest a journalist for a temporary period. Also, the threat of slander deters journalists from disclosing the name of an individual suspected of corruption prior to conviction by a competent court.

The social media and networks are competing with traditional forms of media and are winning ground in influencing public opinion; all figures confirm the power of electronic publishing, Palestinian media professionals do not pursue these opportunities out of fear, especially as the security services have arrested journalists on various pretexts. The Ministry of Interior stated that these practices are individual acts that are not based on a systemic policy. On the other hand, many journalists select exciting and

---

84 Personal interviews with Al-Barghouthi, Local Government Ministry; Misleh of the State Audit and Administrative Control Bureau; and Amarnah of the Anti-Corruption Commission.

85 Fadl Suleiman, an article entitled "More Courage from the Anti-Corruption Commission"; <http://www.aman-palestine.org/ar/media-center/1657.html>



enticing titles without having strong evidence or legal support and they fail to take into consideration the privacy of individuals when covering sensitive issues such as corruption.<sup>86</sup>

### **Civil society organizations**

A group of Palestinian civil society organizations work to combat corruption and raise awareness of corruption, particularly in local governments. Examples of these organizations are:

- 1- AMAN: This is one of the most effective civil society organizations that target local governments. The strategic goal of AMAN with regard to local governments is to enhance their working environment and eradicate corruption, while contributing towards its detection.

In this context, AMAN has implemented several activities, including:

The development of a code of conduct for the sectors targeted; the development of a charter on provision of services; launch of a citizenship campaign to encourage the public to report any corrupt practices committed by the public or local government employees (such as stealing, wasting water or electricity, damaging public property, fraud in the management of tenders).

AMAN has conducted several training courses on principles and systems of integrity and transparency in administrative and financial procedures, enhancement of transparency, such as lobbying campaigns for the adoption of public sessions by local governments, the need for local government members to complete financial disclosure forms, the drafting of a manual on the complaints system to strengthen accountability and supervision, and a manual for internal monitoring and auditing.

AMAN has also implemented several training courses on the receipt and investigation of complaints, on supervision and auditing, the drafting of a manual on local government sessions, training courses for officials of local governments and representatives of the local community, and training courses for the media on investigative reporting of services delivered by local governments.

- 2- Arab Thought Forum in partnership with AMAN.
- 3- PYALARA: It has implemented several initiatives to raise awareness and education against corruption in partnership with official institutions, such as the Anti-Corruption Commission, and with civil society organizations such as AMAN and some Palestinian universities.
- 4- Universities: upon an initiative by AMAN, several Palestinian universities teach a curriculum that includes enhancing integrity and combating corruption; this course is based on the reference book prepared by AMAN.

---

<sup>86</sup> Fadl Suleiman, an article entitled "More Courage from the Anti-Corruption Commission"; <http://www.aman-palestine.org/ar/media-center/1657.html>

Effectiveness

9-2 To what extent is raising awareness and education and lobbying to combat corruption effective in reality? Is there support for these initiatives from senior levels in local governments? Are there actual examples of commitment by local governments to the results of initiatives and follow up of their implementation?



None of the parties that target local governments or the local community have assessed the impact of these programs. In most cases, an evaluation at the end of the activity reflected the gaining of some skills. Those in charge of official and non-official institutions who support local governments with training and education have stated that there is cooperation by senior levels in local governments. Official institutions did not measure the impact of their programs in raising awareness, but in practice the impact is clear in the considerable increase in the number and type of complaints filed against local governments that received relevant training.<sup>87</sup>

Civil society organizations apply mechanisms to ensure the sustainability of the skills acquired in courses. For example, AMAN formed an impact group in each municipality as a tool to advocate the adoption of the outputs and strategies of its program. The same concept was applied to training implemented by the Anti-Corruption Commission in cooperation with AMAN and ARIJ where Integrity Committees for Better Service were formed; these consist of people from the local community to monitor if local governments perform their tasks according to the law.

The failure to measure the impact of implemented projects is due to the new nature of this type of activity, in addition to the minimal experience of the newly-elected local councils targeted in these programs.

10- Social Accountability

Capacity	Effectiveness
----------	---------------

Many civil society organizations conduct social accountability initiatives in local governments. The majority of these organizations initiates "projects" with funding from international donors and apply several tools for accountability and supervision of local governments, such as public opinion polls and teams to supervise the budget. As the newly-elected local councils have limited experience and the concept of social accountability is also recent, civil society organizations or donor organizations have not measured the impact of these projects on local governments in terms of changes in practice or public influence. However, the success of these organizations in establishing

87 Rasha Amarnah and Saleh Misleh; Ibid.

//////////  
a community culture in local governments and local communities can be highlighted, primarily establishing the importance of supervision and accountability of local governments by the public and the impact on local governments in the introduction of management tools in partnership with the public.

## Capacity

### 10-1 To what extent are civil society organizations effective in supporting social accountability by representatives of local governments? (Public opinion, social monitoring, community evaluation, teams to supervise the general budget)



The concept of social accountability is a very recent concept applied to local governments in Palestine.

The World Bank defines social accountability as a method of management in which the public, civil society organizations, the media and other effective non-governmental parties participate in holding the government accountable for its decisions and actions, especially government use and management of public resources. This encourages the government to work more efficiently by allowing the public to express their opinions, voice their needs, monitor government policy making, and express satisfaction or dissatisfaction with the government's management and propose corrective measures. This level of participation represents an increasingly important feature in the process of democratization that complements the roles of elected members and internal systems of accountability in the government.<sup>88</sup>

Several civil society organizations in Palestine work to develop the concept of social accountability and have implemented projects in local governments, either through regional partnerships, or with support from donor organizations such as GIZ, CHF and USAID.

AMAN is a member of ANSA – ARAB World, the first regional network in the Arab world dedicated to social responsibility. It targets all parties to the process and aims to disseminate concepts and procedures for social accountability in the Arab world: the government, civil society, the media and the private sector.

The network focuses its efforts on the right to access information, transparency of the budget, freedom to form associations, and improved service provision. The network includes in its membership representatives from seven Arab countries: Morocco, Tunisia, Egypt, Palestine, Jordan, Lebanon, and Yemen.

AMAN has been active in the field of social accountability in local governments and

88 The World Bank. Supporting Community Accountability in the Middle East and North Africa: Lessons from Past Political and Economic Transformations. 2011.

has implemented several initiatives and projects. For example, the formation of the Integrity Committee for Better Service was part of the integrity project for the poor that targeted four municipalities. These committees were formed following an initiative by several civil society representatives to work together with municipalities to establish their general policies, define the needs of the general public, monitor the work of the municipality and hold it accountable for the provision of services to all sectors of society on the basis of equality and integrity.

AMAN prepared a manual on public hearings and local government accountability to enhance the role played by the public and community organizations in monitoring the services provided by local governments.

GIZ developed a strategy to introduce social accountability procedures in 17 municipalities in the West Bank and Gaza Strip. The main points of intervention relate to the concepts of transparency, participation, response and follow up. The aim of the activity was to encourage and build a positive relationship between the public and local governments on decision making and service provision. For this purpose, various social accountability tools were introduced (public hearings, evaluation cards and citizenship charter). GIZ implemented these projects in partnership with six civil society organizations: the Advisory Commission for the Development of NGOs; the Palestinian Center for Democracy and Conflict Resolution in Gaza; the Palestinian Center for Communications and Developmental Studies in Hebron; Bounian Association for Training and Community Studies in Khan Yunis; the Palestinian Center for Peace and Democracy in Ramallah; and Life and Hope Association in Jabalia, in partnership with the Local Government Ministry and in cooperation with the Municipal Development & Lending Fund, the Association of Palestinian Local governments, the media, and international partners.<sup>89</sup>

Several civil society organizations that implemented initiatives on social accountability were identified through a questionnaire designed specifically for this study. The main organizations are as follows:

- The Arab Thought Forum
- PYALARA in partnership with AMAN, plus another initiative with the Anti-Corruption Commission and SAVE THE CHILDREN.
- Al-Hayat Center for Civil Society Development – Nablus, in partnership with ARIJ – Jerusalem, Community Service Center – al-Najah University, YALO Association for Studies and Research, and SHAREK Youth Forum.

Several accountability tools were implemented in these projects, such as public evaluation of services provided by the municipal council, televised debates, supervision of the general budget, and assessment of change and impact. Some institutions formed local integrity committees from youth groups to monitor the work of local governments.

89 An explanatory paper issued by GIZ on its projects in local authorities.



## Effectiveness

**10-2 To what extent were the initiatives implemented by civil society successful in holding the local government accountable? Are there examples of the local government responding to these initiatives in taking decisions or making changes in practices?**



The social accountability initiatives implemented by civil society organizations received an encouraging response from some local governments, although other local governments were slow in responding. Institutions highlighted the positive impact of these initiatives on local governments, some of which published their budgets, conducted public activities and attempted to resolve problems that arose during implementation on the ground. However, the impact of this new experience cannot be evaluated objectively at the present time, with the exception of the spread of the culture of social accountability. Practically speaking, the longest experience in this field is only two years.

Several institutions, especially those where initiatives were implemented by GIZ, stated that an evaluation of these initiatives and their impact on local governments would take place at the beginning of next year. Following the implementation of social accountability tools, work will focus on disseminating them through the Municipal Development and Lending Fund. Some social accountability procedures will be promoted nationally and will be institutionalized by linking them with existing policies and legislation within a legal framework.



---

## Conclusions

### General conclusions

#### Local elections

The last local elections (organized in the West Bank in 2013) were free and fair, but were not held on their scheduled dates due to the long delays caused by the political split and the boycott by Hamas. The local elections were held in the West Bank only and the Hamas government did not allow elections to take place in the Gaza Strip.

#### Legislation

- 1- The Election of Palestinian Local governments Law No. 10 of 2005 and its amendments organize the process of holding elections and define the sources of funding for the electoral campaigns of candidates on the basis of transparent and fair criteria. The law also guarantees free competition and equal opportunities for media access, but does not set a financial ceiling for electoral campaigns or stipulate that candidates disclose their sources of funding. The text only requires the submission of a financial report audited by an external auditor to be submitted solely to the Central Elections Commission.
- 2- The Local Governments Law defines the independent legal character of local governments, but subjects local governments in some aspects to the central government and the approval of the Local Government Ministry is required for some decisions, such as annual budgets. The law fails to resolve the overlap of jurisdictions with ministries and other executive bodies, such as the Ministries of Health, Industry and National Economy, the Environment Authority, governors and civil defence bodies.
- 3- The Local Government Ministry did not define the regulations as stipulated in the law, such as financial and procurement systems. The ministry believes that the instructions issued by the minister to that effect are sufficient, although the Basic Law assigns the Council of Ministers to issue such systems and regulations. The Local Government Ministry has not updated instructions since the nineties, nor has it adapted them to the special features of each local government. This has had a negative impact on the performance of local governments.
- 4- The Local governments Law grants the task of supervising the executive body of the local government to the local council by declaring the head of the council as the head of the executive; he is responsible to the local council.

#### The financial resources of local governments

In general, local governments are poorly resourced. On one hand, the public fail to pay their taxes; on the other hand, local governments are transferred only small sums in taxes and fees from the central government.

#### Integrity, accountability and transparency

1. In terms of enhancing integrity, there are not yet any codes of conduct for members of local governments and those working in them; this is the case in a large number of local governments.
2. Social participation in the work of local governments is still weak despite the



emergence of initiatives to empower the local community to participate in local governments. The Local Governments Law did not stipulate mechanisms for public participation in the work of local governments.

3. Although a general system to organize the submission of complaints in PNA institutions was established, there is no process for filing complaints against local governments. Most local governments lack a formal complaints' unit or a system with written regulations. This has a negative impact on accountability.
4. Local councils are committed to submitting their annual reports to the Ministry.
5. The majority of local governments are not committed to publishing financial and administrative reports about their activities to the public. This restricts the transparency of their work and undermines the right of the public to access financial and administrative information about the council.

## **The judiciary and local governments**

The large backlog of cases that have accumulated in the Palestinian courts is slowing the course of justice in cases transferred from local governments to the relevant courts. The High Judicial Council commissioned judges to work in the municipal courts of local governments, but not on a full time basis.

## **Combating corruption in the work of local governments**

1. The corruption crimes courts are specialized in corruption and hear cases related to corruption in the local governments sector. They are slow in issuing sentences and violate the deadlines stipulated in the Law to Combat Corruption.
2. While the relevant official institutions and civil society organizations work actively to raise awareness of combating corruption in local governments, the local media remain weak in this field due to legal obstacles and lack of experience.

## **Conclusions relating to Ramallah Municipality**

1. The elections in Ramallah Municipality were held by competition between several lists, giving the opportunity for diverse representation of political factions, religion and women in the local council. Hamas boycotted the local elections in Ramallah and in all other local councils.
2. The local council supervises the work of the executive body through the head of the council, who exercises his role through the use of effective mechanisms based on a clear organizational structure, detailed work procedures and an effective unit for internal auditing and supervision under the oversight of the municipal council.
3. There is no code of conduct for the head or members of the municipal council in Ramallah Municipality, but a draft code is under discussion.
4. There are no written regulations regarding conflicts of interest and receipt of gifts by members of the municipal council or municipal employees.
5. A system exists for complaints which is ratified by the municipal council and is effective in its procedures.
6. The municipal council works according to a clear and published strategy, vision and mission statement which are drafted on the basis of community participation and the definition of priorities.





- 
7. The municipal council prepared the annual budget with the participation of the local community and on the basis of an annual action plan.
  8. The municipal council works according to the financial resources available. These are sufficient to cover its current activities, but cannot cover future developmental plans and needs which will require international grants or government funding.
  9. The municipality holds regular meetings for its various departments periodically with the aim of following up on implementation of action plans. However, there is a need to establish an official approach that will ensure commitment from the various departments to submit official reports periodically and regularly that are signed by all participating parties in meetings. The reports should then be documented and available for all related parties upon request.
  10. The executive body holds weekly meetings of administrations, resulting in the general administrative report. In addition, quarterly written reports are submitted to the council by the head of the municipal council.
  11. Ramallah Municipality commits to publishing its annual budget in a clear manner to the public; this enhances the transparency of its financial administration.
  12. Ramallah Municipality is committed to transparent employment procedures that comply with existing laws and regulations.
  13. Municipal employees perform their duties with neutrality and objectivity, but there is no code of conduct to reinforce their practices.
  14. The Mayor of the municipality is committed to presenting verbal weekly reports to the local council and quarterly written reports.
  15. The municipality follows a purchasing system ratified by the municipal council and complying with the requirements of integrity, transparency and free of conflicts of interest. This will continue until the ratification of the standard procurement system for local governments by the Local Government Ministry.
  16. The municipality is committed to the buildings and licensing system issued by the Council of Ministers, in addition to written procedures to facilitate practical issues for users.
  17. The municipal council and executive body support opportunities to conduct community meetings and activities where the public can participate in the activities of the council. The municipal council conducted the first public meeting of a local government and public sessions on a permanent basis are planned as part of its future strategy; this enhances the transparency and integrity of the work of the municipal council.
  18. The municipality applies a computerized system for the collection of taxes and fees. The system is based on clear separation of tasks to prevent potential embezzlement. This enhances the accountability of employees working in the system and guarantees their integrity.
  19. The municipality commits to publish all official decisions issued by the council and all activities on its website, in the local media, and on social media sites.
  20. Ramallah municipality needs further development of its internet services, especially activities that can be processed through the website of the municipality.
  21. The poll conducted to obtain feedback on some services delivered by the municipality indicated low levels of satisfaction.
  22. The members of the municipal council feel fully independent when taking decisions, but believe that they require a code of conduct to enhance this independence.
  23. The head and members of the municipal council have not yet completed the financial

disclosure forms distributed to them by the Anti-Corruption Commission as stipulated in the amended Law to Combat Corruption. According to the head of the municipal council, the council took a decision to complete the forms within ten days of the workshop held to discuss the draft of this report on January 27, 2014. Legally and in practice, the public cannot obtain any financial information regarding members of the municipal council.

24. With regard to Ramallah municipal court, the commissioning of a judge from the High Judicial Council to work one day per week on municipal cases alongside his other duties is inadequate. A single judge working on a part time basis in the municipal court has led to backlog of around 85 cases that are postponed from one month to another.

### Tasks of oversight and monitoring

1. A system for complaints exists in several institutions, but no formal system exists for local governments, with the exception of the Local Government Ministry which applies the general complaints system issued by the Council of Ministers.
2. Supervisory institutions and civil society organizations accept complaints against local governments; most cases are resolved and some are transferred to the corruption crimes court.
3. The PNA does not have an integrated system for auditing all local governments. The Bureau conducts comprehensive and detailed auditing of some local governments, while general rather than detailed auditing is conducted on all local governments by the Local Government Ministry.
4. The majority of local governments do not comply with the recommendations that result from the auditing due to the absence of executive procedures that force them to do so.
5. The capacities of institutions to raise awareness of corruption vary and the local media remains weak in this field.
6. The majority of institutions that attempt to raise awareness of combating corruption do not evaluate the impact of their initiatives or the level of commitment by local governments as a result of those initiatives.

### Civil society and social accountability

1. Several civil society organizations in Palestine have worked either individually, in partnerships or with support from donor organizations to implement projects on social accountability for local governments.
2. Various social accountability tools were implemented in the targeted local governments, such as public hearings, evaluation, a citizenship charter and supervisory teams for the budget.
3. The general culture of social accountability was enhanced after the recent local elections. This indicates the emergence of democratic life in society, especially in light of the previous cancellation of elections due to the political split.

---

## Recommendations

### General recommendations

1. Palestinian leadership and factions should end the political split and set the public interest above any partisan interests in order to restore democratic life in Palestine.
  - a. They should hold local elections on a regular basis in all the Palestinian territories on their scheduled dates as stipulated in the law,
  - b. and allow the Palestinian Legislative Council to resume its role in amending and legislating laws vital to the lives of the public,
  - c. and also update and develop legislation related to local governments: the Local Governments Law, the Law on Information, the Law on Property, and the Law on Trades and Industries.
2. The Palestinian government, especially the Local Government Ministry, in cooperation with the relevant institutions and civil society organizations, should draft a general policy that defines the Palestinian vision, shape and functions of local governments, officially ratified by the government to encourage decentralization, and develop the financial resources of local governments. The policy should be designed to enhance integrity, transparency and accountability of the work of local governments.
3. End the overlap in jurisdictions between local governments and the relevant ministries, especially in the granting of licenses and trades and industries.
4. Complete the systems and regulations stipulated in the Local Governments Law, such as financial and procurement regulations. Abide by the provisions of the Basic Law that regulations must be issued by the Council of Ministers and not by the Local Government Ministry.
5. Promote values of integrity in local governments by ratifying systems related to conflicts of interest and codes of conduct for the heads, members and employees of local governments.
6. Encourage the principles of transparency in local governments by establishing clear procedures on public access to information and local governments should adopt the policy of publishing reports and budgets on their websites.
7. Enhance accountability by establishing complaints units in local governments and define complaints procedures in a dedicated system; also to promote the tools of social accountability in local governments.
8. Propose more effective financial policies that increase local government revenues and assist them to fulfill their role in economic development. This could include depositing the funds collected for municipalities in a special bank account separate from the state treasury so they can be automatically transferred to the municipalities on a regular basis.
9. Issue special legislation to protect journalists and their right to access information and expand their role in investigative reporting and social accountability in the work of local governments.

10. Amend the Election of Local Governments Law to stipulate a financial ceiling for electoral campaigns that will ensure equality between candidates and to publish audited financial reports on sources of funding for the electoral campaigns of the candidates.

### **Recommendations for Ramallah Municipality**

- 1- Prepare a manual on integrated work procedures that covers all fields of work related to the management of the municipality and that will enable it to be run in a more effective and transparent manner; the manual must be approved by the municipal council.
- 2- The municipal council must ratify a code of conduct for members and municipal employees and introduce a plan to promote the code, raise awareness of its importance, and procedures for its implementation.
- 3- Draft and approve special regulations on conflicts of interest and instructions on the receipt of gifts, especially for council members and municipal employees.
- 4- Adopt the presentation of written monthly reports by the head of the council to the local council, in addition to the verbal weekly report. This will enhance the documentation of the work of the municipality in a professional manner and reinforce the accountability of the municipal council.
- 5- The municipal council should adopt the concept of a participatory budget to promote public participation in the council budget and to permit oversight of its implementation.
- 6- Improve internal oversight of the delivery of services to guarantee the provision of high quality services and the integrity of those in charge of them.
- 7- Expand electronic services by the municipality to serve both the municipality and the public.
- 8- Develop an administrative report form to be presented at meetings of the executive management in the municipality. The form would include an item on work accomplished during the month, problems faced, and proposals to resolve problems and implement recommendations.
- 9- The head and members of the council should hold regular and open meetings with the administrations that offer various services to discuss general issues facing the municipality, whether in services or in projects. This would increase interaction between municipal administrations and the higher authority, ensure that workers understand the procedures for implementing services, and encourage coordination between those who decide and those who implement.
- 10- Recruit either a full time judge for the municipal court or increase the number of days judges spends at the court to avoid the postponement and accumulation of cases.

---

### **Recommendations on the functions of external oversight and accountability**

- 1- Draft a special manual for complaints against local governments.
- 2- Request from the General Personnel Council to support the State Audit and Administrative Control Bureau with adequate qualified human resources to supervise all local governments.
- 3- Define executive measures that force local governments to implement the recommendations of auditing reports. Their commitment should be a condition for the granting of loans and funding.
- 4- Urge the local media to fulfill its role in raising public awareness and education on combating corruption.
- 5- Coordinate efforts to raise awareness and education on combating corruption between official institutions, civil society organizations and media institutions.
- 6- Continue with initiatives and campaigns to raise public awareness of combating corruption and conduct procedures to assess the impact on local governments and the local community and ensure the effectiveness of these initiatives.

### **Recommendations related to civil society and social accountability**

- 1- Promote the role of civil society organizations in spreading a culture of social accountability and its importance in improving the services delivered by local governments, plus its impact on the development process.
- 2- Promote partnerships between civil society organizations to trigger a qualitative improvement in the extent of social accountability and oversight of local governments.
- 3- Assess the impact of initiatives implemented in this field to ensure that local governments amend their practices.

## VI. Annexes:

### Annex1: Citizen Satisfaction Towards Services Provided by Ramallah Municipality

Do you benefit from the services offered by Ramallah Municipality?

Yes      No

To what extent are you satisfied with the following services?

1- Cleanliness of the city:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
2- A green city with planted trees:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
3- Planning and zoning in the city:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
4- Organization of traffic in the city:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
5- Pavements for pedestrians:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
6- Traffic lights:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
7- Car parking meters:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
8- Street lighting:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
9- Sewage system:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
10- Creation of squares:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
11- Naming of streets and numbering of buildings:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
12- Emergency services:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
13- Promoting the city and its services:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
14- Use of media by the municipality:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
15- Cultural activities:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
16- Ramallah Cultural Palace:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
17- Ramallah Public Library:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
18- Ramallah Recreational Complex:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
19- Family park:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
20- Ottoman Court:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
21- Tourist Information Center:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
Satisfied fair dissatisfied	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
22- "Mahmoud Darwish Museum" al-Birweh Park:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
23- Radana Park:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
24- Yousef Qaddura Park:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
25- Nations Garden:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
26- Quarters Parks:	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
27- Center for General Public Services – the Main Building of Ramallah Municipality	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.
28- Old City Center for General Public Services	<input type="checkbox"/> Agree	<input type="checkbox"/> Average	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not determined.



**Annex2 : Data on the work of civil society organizations in enhancing integrity and fighting corruption**

Name of the organization: .....

1- Has the organization implemented activities that aim to raise awareness of enhancing integrity and fighting corruption in local authorities?

Yes       No

If the answer in (1) is yes,

1-1 Were the activities organized in partnership with other organizations? Which organizations?

Yes       No

**Name of organizations:**

1-2 Which local authority are you targeting?

.....

1-3 Was there positive cooperation and contributions from senior levels (head and members of the municipal/local council) in the authorities?

Yes       No

Form of contribution: .....

1-4 Did the local authority adopt any of your recommendations?

Yes       No

Social accountability

2- Did the organization implement activities related to the social accountability of the local authority?

Yes       No

If yes,

2-4 Which local authority did you target?

.....

2-5 Was the activity conducted in partnership with other organizations? What are the names of these organizations?

Yes       No





2-6 What activities did you organize related to social accountability of the local authority? For example: public evaluation card, social auditing, community evaluation card, monitoring teams on the general budget.

.....  
.....  
.....  
.....  
.....

2-7 Did the activities of your organization have any impact on the local authority, such as taking specific decisions or a change in practice? Please explain:

.....  
.....

2-8 What is the nature of the challenges that you faced while dealing with the local authority?

.....  
.....  
.....  
.....  
.....



---

## VII. List of references

### Legal references

1. The Amended Basic Law of 2003.
2. The Amended Law to Combat Corruption of 2005.
3. The Law for the State Audit and Administrative Control Bureau No. 15 of 2004.
4. The Law for Local governments No. 1 of 1997.
5. The Election of Local governments Law and its amendments.
6. The Jordanian Law for Trades and Industries No. 16 of 1953.
7. The Law of Formation of Regular Courts No. 5 of 2001.
8. Presidential Decree No. 16 of 2002. Al-Muqtafi.
9. Presidential Decree No. 22 of 2003 on the Jurisdictions of Governors.
10. System for Employees of Local governments No. 1 of 2009 and its amendments.
11. Complaints System No. 6 of 2009.

### Reports

1. Report of the Central Elections Commission on the second local elections. 2013.
2. Bilal al-Barghouthi: Evaluating the legislative framework regulating local governments in Palestine to reinforce the response to the requirements of integrity, transparency and accountability. AMAN: 2010.
3. Aziz Kayed: Integrity, Transparency and Accountability in Public Services Delivered by Local governments. AMAN, 2010.
4. The annual report of the State Audit and Administrative Control Bureau for 2012.
5. Carter Center. Policy of appointments and merging in local governments. 2011.
6. Maher Zahaykeh: Integrity, Transparency and Accountability in the Work of Local governments. AMAN, 2005.
7. AMAN. National Integrity System. AMAN 2009.
8. Report on the conditions of the Palestinian judicial authority in 2005.  
<http://www.wafainfo.ps/atemplate.aspx?id=3847>

### Articles:

1. Reading into the results of Ramallah municipal council elections. Published in al-Quds Newspaper
2. <http://www.alquds.com/news/article/view/id/394624>
3. Omar Rahhal, Manual on Good Governance in Local governments Management. AMAN.
4. Fadl Suleiman, an article entitled More Courage from the Anti-Corruption Commission.
5. <http://www.aman-palestine.org/ar/media-center/1657.html>
6. Khaleda Jarrar in a press interview on November 8, 2012.

---

## Interviews:

1. Musa Hadeed, Mayor of Ramallah Municipality, personal interview on October 24, 2013.
2. Janet Michael, former head of the municipal council in Ramallah and member of the current municipal council, personal interview on October 22, 2013.
3. Saqer Hanaysheh, Head of Complaints Unit in Ramallah Municipality, personal interview on October 22, 2013.
4. Maher al-Natour, Head of Internal Monitoring Unit in Ramallah Municipality, personal interview on October 22, 2013.
5. Ahmad Abu Laban, Director General of Ramallah Municipality, personal interview in October 2013.
6. Dima Ersan, head of Buildings and Licensing Section in Ramallah Municipality, personal interview on October 22, 2013.
7. Rasha Amarneh, Director General of Legal Affairs in the Anti-Corruption Commission, personal interview on October 30, 2013.
8. Saleh Misleh, Acting Director General of Monitoring of Local Governance Units, personal interview on October 10, 2013.
9. Mohammed Hasasneh and Doha al-Barghouthi, Department of Guidance and Monitoring in the Local Government Ministry, interview on October 21, 2013.
10. Hazem al-Qawasmi, Director General of Operations in the Municipal Development & Lending Fund, personal interview on October 27, 2013.
11. Isam Aqel, Executive Manager of the Association of Local governments, personal interview on October 29, 2013.
12. Uday al-Hindi, Director of Engineering Department in Ramallah Municipality, personal interview on January 2, 2014.

## Studies

1. Saleh Abdul Ati. Local Governance and Local governments in Palestine, 2005.
2. Abir al-Mashni. Twenty Years after Oslo, Local government in Palestine: Accomplishments and Challenges. Unpublished study, Birzeit University, 2013.
3. Abdul Kareem Saeed Ismail. The role of Palestinian local governments in reinforcing participation and achieving political development. A Master's thesis, al-Najah University, 2005.
4. Ali al-Jarbawi. What kind of local government do we want? 1996.
5. Taleb Awad. Elections Systems and Elections in Palestine. Media Institute, Birzeit University, 2004.
6. The World Bank. Supporting Social Accountability in the Middle East and North Africa: Lessons from Past Political and Economic Transformations. 2011.

## Systems and manuals

1. Ministry for Local Governance. Manual for heads and members of local governments, Ramallah, 2005.
2. System for Local government Employees.
3. System for Procurement of Supplies and Works, Ramallah Municipality.

---

## Web pages

1. [www.ramallah.ps/index.aspx](http://www.ramallah.ps/index.aspx)
2. [www.maannews.net/arb/ViewDetails.aspx?ID=481983](http://www.maannews.net/arb/ViewDetails.aspx?ID=481983)
3. [www.wattan.tv/new\\_index\\_video\\_desc.cfm?id=a9942031a1193153&cat\\_id=a376199a672600](http://www.wattan.tv/new_index_video_desc.cfm?id=a9942031a1193153&cat_id=a376199a672600)
4. [www.palestinecabinet.gov.ps:8066/aboutus.aspx](http://www.palestinecabinet.gov.ps:8066/aboutus.aspx)
5. [www.ichr.ps/ar](http://www.ichr.ps/ar)
6. [www.molg.pna.ps/structure\\_molg.aspx](http://www.molg.pna.ps/structure_molg.aspx)
7. [www.mdlf.org.ps/](http://www.mdlf.org.ps/)
8. MAAN News Agency. Meeting between Bethlehem Police Commander with heads of municipal and village councils in rural areas. July 8, 2009.

## Documents:

1. Monthly log of cases at Ramallah Municipal Court issued on November 6, 2013.
2. Anti-Corruption Commission. The National Strategy to Combat Corruption. 2012-2014.
3. An explanatory note issued by GIZ on its projects in local governments.