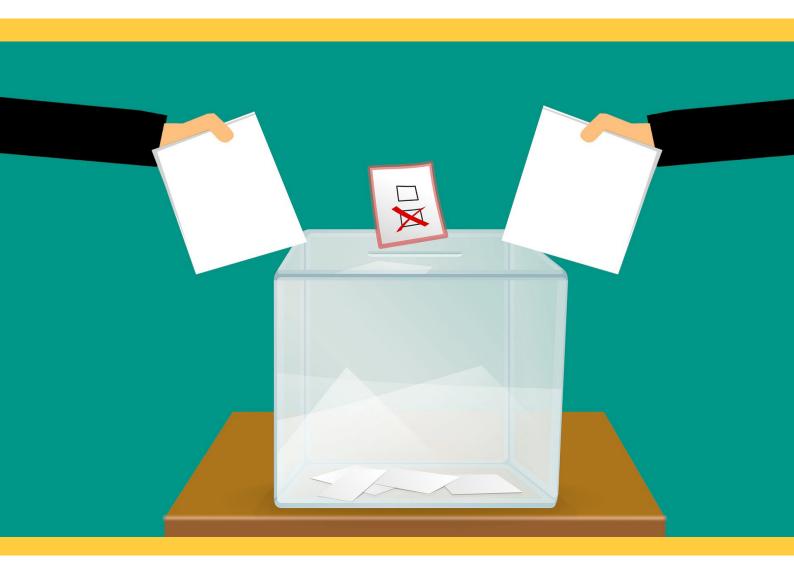


Report on:

Regulatory and Procedural Framework of the Elections of Palestinian Trade Unions and Syndicates





The Coalition for Accountability and Integrity (AMAN)

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Executive summary

Trade and professional unions are important representative agencies of practitioners, a specific profession, or sectoral groups with joint interests. They contribute to the regulation of work and the defense of workers' interests or rights. They also delegate some of their officials to represent them before external parties in general and act as the link in the chain between trade union members and decision-makers in the political system. The role of the officials leading trade unions is important for the formation of public opinion regarding many areas pertaining to public policies. Therefore, political regimes endeavor to receive the acceptance of trade unions and establish the necessary systems to communicate with the leaders of these unions and to understand the position of these leaders regarding their support or opposition to the political system. For this reason, the authorities interfere with the form and content of these unions' regulatory and institutional framework with the intent to intervene in the selection of their representatives on the one hand and their relationship with the ruling regime on the other.

The present report aims to promote the Palestinian political system's political integrity• by addressing the problems and challenges that enable the ruling authorities to interfere with the selection of the leaders of trade and professional unions and syndicates. For this purpose, it reviews the regulatory and procedural framework of the selection of these leaders in order to assess the risks and challenges that may coopt these organizations to support or oppose specific policies that serve the interests of certain parties in the political system in a manner that undermines integrity.

The Report found several challenges and problems affecting the selection of the leadership of Palestinian trade unions, most saliently the weak regulatory framework of the electoral processes in most of these unions and syndicates. This weakness stems from the absence of any law to regulate trade and professional unions while most standing orders of these unions do not include detailed provisions and necessary measures to regulate the electoral process. As a result, the transparency of the elections is undermined to the extent that it affects their integrity. On another level, elections in most trade unions are organized at the branches/ district levels while the general assembly's elect the senior executive management. However, since these general assembly's also include some former members of the general assemblies and secretariates, the outcome of the election is adversely affected and severely harms the integrity of the entire process. Furthermore, many unions do not organize their elections periodically within the statutory deadlines, thus undermining the legitimacy of the unions' members and leaders. Moreover, the political conditions applicable to the acceptance of membership in some of the unions create a single political party representation, which later produces leaders from the same political stream, excluding any different political affiliations or ideologies. On another note, candidacy to senior leadership posts requires many years of unionism, which does not leave room for more equitable competition among those wishing to run for these posts. The report also found that some of the unions and their elections are exploited for political polarization among the conflicting Palestinian forces, which favors party affiliation to actual syndical work. Furthermore, the report pinpoints the fragile independence of the elections' supervisory

[•] political integrity (governance integrity) means exercising political power consistently in the public interest, independent from private interests and not using power to serve the interests of other bodies (factions, opponent groups, ruling party). Political integrity prescribes mandatory controls that prevent the abuse of the power granted to any political official to enact legislation or policies or measures to serve the ruling party or any of its supporters. It also prevents the holders of public offices from appointing their supporters in public and state offices at the expense of merit and does not grant the holders of these offices immunities that lead to their impunity.

bodies in some unions, especially those whose senior executive management is formed based on a resolution. Consequently, their impartiality is affected, which subsequently undermines the integrity of the electoral process. Elections in several unions do not prescribe the right to challenges or appeals to the outcome of the elections or any guarantees of impartial and effective review of such challenges. Hence, several leaders remain in their positions for lengthy periods and end up establishing relations based on their interests rather than the members' benefits. In other words, the electoral process does not enable any change not to mention that the process and organization of general assembly meetings depend on the funding of the PLO National Fund or the PNA budget, which allows for the authority's control of the electoral process and its outcome. Furthermore, the public funds dispersed to the unions may be used to serve partisan, factional, or personal rather than public interests.

The Report formulates several recommendations to address the aforementioned problems, most notably the organization of general presidential and legislative elections and elections of the Palestinian National Council as a necessary entry point to reform and update the laws governing trade and professional unions and syndicates. It is also necessary to promulgate a law to regulate syndical activities including the selection of trade unions' leaders transparently and effectively. A special law must be enacted to regulate and reform popular unions to repatriate their headquarters in Palestine and consider the offices outside Palestine and the diaspora as branches. Additionally, trade unions and syndicates should organize periodic elections within the statutory deadlines and refrain from using quotas as an alternative to elections in the nomination to syndical posts. On another level, the political conditions governing membership in these unions must be amended to engage members from all political ideologies and enable them to run as candidates for senior posts because these conditions harm the principle of equal opportunity and exacerbate seism. Furthermore, the conditions relating to the number of years in the office prior to candidacy for senior executive management posts should be revisited to foster equal opportunity and diversity.

The interests of the unions and their members must supersede the party affiliation. This can be achieved via prescribing specific terms in leadership offices with a limited number of renewals, especially for the posts of the chairperson, secretary general, or syndical representative. Guarantees of independence and impartiality of the supervisory bodies must be provided to ensure that the electoral process is conducted with transparency and integrity. The right to challenges and appeals to the different phases of the electoral process must also be guaranteed and these challenges/appeals/ complaints need to be reviewed by independent judicial bodies. Finally, strict control of the use of public funds or resources in the elections must be imposed to ensure that the funds are not used to serve partisan or personal interests.

Introduction

Trade and labor unions are important representative bodies of the practitioners of any specific profession or sector sharing common interests. They contribute to regulating labor and defending the rights and interests of their members. At the same time, they delegate some of their leaders to represent them before external parties in general and act as the link between their members and the political system's decision-makers. Because of the importance of their role in shaping public opinion on many issues related to public policies, political regimes endeavor to coopt them and monitor the access to leadership positions in these unions and assess the leadership's loyalty or opposition. For this reason, some regimes interfere in the form and content of the regulatory framework of these unions with the intent to have a say in the selection of their representatives on the one hand and these unions' relationship with the authorities on the other.

The statutory framework regulating trade unions' activities and selecting their leadership and representatives is crucial to the effectiveness of their decisions, which contribute to shaping public opinion.

Under the competition for power, popular organizations, trade, and labor unions have become an additional arena for competition between Palestinian forces and factions that have sought to take control of their governing boards and alter their leaders' positions in favor of their party interests. Thus appears the importance of examining the legal and procedural framework governing these institutions and their representation of ideological and social pluralism in Palestine as well as their ability to represent their members' interests far from being harnessed to serve the political elites as loyalists or opponents.

This report aims to promote political integrity• in the Palestinian political system by addressing the problems and challenges that could enable the ruling authorities to intervene in the selection of the leaders of these unions. Therefore, it is important to review the regulatory and procedural framework that governs the selection of this leadership to identify the threats of potential coopting of these institutions to support or oppose certain policies that serve a specific party in the political system and undermines political integrity.

The report adopts an analytical descriptive methodology focusing on gathering relevant data from various sources and reviewing previous literature in addition to assessing the legislative and procedural framework of selection of the leaders of Palestinian trade unions. It further highlights pertinent political integrity indicators based on data analysis and indicators' scores.

Political integrity (governance integrity) means exercising political power consistently in the public interest, independent from private interests
(serving a specific group, segment, opposition, or ruling party). Political integrity establishes mandatory rules to prevent abuse of the power given
to any political official, whether it relates to enacting legislation or adopting policies or procedures to serve the ruling party's interests or any of
its allies. It prohibits holders of public offices from appointing their allies in public and state offices without any consideration of merits and does
not accord holders of these offices the immunity to enjoy impunity.

Foreword: Palestinian trade unions: Background

There are several forms of trade unions and syndicates in Palestine that vary according to their area of activity, headquarters and branches, geographic expansion, and host jurisdiction. Some of these unions were established outside Palestine to mobilize citizens from all labor sectors and engage them with their regional or global homologous groups. Traditionally, these unions were affiliated with the Palestinian factions leading the Palestinian contemporary post-1965 revolution and later evolved to become an organic pillar of the Palestine Liberation Organizations. They continue to operate inside and outside Palestine, including the General Union of Palestinian Women, the General Union of Palestinian Students, and the Teachers Union. Currently, 13 of these unions are part of the PLO structure. Some unions, like the Bar Association, Doctors Union, and Engineers Union operate exclusively in Palestine since the establishment of the Palestinian National Authority. Furthermore, tens of labor unions were established under the PNA to cover several economic, social, and cultural sectors in the Palestinian Territories.

Trade unions have played a major role in the struggle against the occupation since most of their leaders have been supporting PLO factions even before the PNA was established. They have always focused on promoting the Palestinian identity and narrative in international events and organizations. They also enjoy a representative quota in the PLO institutions, namely the Palestinian National Council (PNC) and PLO Central Council (PCC). However, following the establishment of the PNA and repatriation of the Palestinian national leadership, their role shifted to focusing more on defending the interests of their members – without neglecting the national struggle – thus boosting their local leadership, which started to compete with the historical leadership established in the diaspora. Tens of trade unions and popular organizations moved to Palestine; they include unions, district offices, syndicates, and district syndicates. Unions are divided into three key structures, namely labor unions, trade unions with the membership of holders of academic diplomas like doctors, lawyers, engineers, etc., and associations like the Artists and Musicians Association¹.

AMAN Coalition conducted a study on governance, integrity, transparency and accountability of popular organizations and trade unions in Palestine. The study aimed mainly to assess the obstacles of the regulatory framework and its impact on senior and executive management governance as well as administrative and financial organization. The study further assessed unions' compliance with the standards of integrity, transparency, and accountability and provided recommendations to improve their immunity against corruption. The study reviewed a sample of 23 unions and syndicates in the West Bank and Gaza Strip. It included four sections. Section one provides a general description of unions and syndicates; Section two review their legislative and regulatory framework while Section three addresses their institutional and organizational structure. Section four reviews their transparency, integrity, and accountability.

The study highlighted the broad gap among these unions in terms of their area of activity, geographic, sectoral, and professional coverage as well as the type of membership (individual or institutional) and their standing order. It further examined their leadership and organizational and executive units in addition to their regulatory framework which is based mainly on their internal bylaws and some statutes. The study also noted the weak financial resources of most of these unions.

With regard to governance, the study showed that many of the unions do not hold periodic elections for their representative and executive offices.

¹ Abu Ayyash, Saed and Eweiqi, Suzan, Effective Policies to Solve Trade Unions' Weakness and Fragmentation, Palestinian Policy Research and Strategic Studies Center – Masarat, 2020

Furthermore, many of their boards of directors or trustees do not hold regular meetings. The study also found that the boards are not fully aware of the unions' internal situation and that many of them have overlapping representative and executive structures.

As regards the financial and administrative organization, the study reviewed the submission of financial and administrative reports and the availability of financial and administrative systems as well as procurement regulations, human resources manuals, and adopted accounting systems. As for integrity, transparency, and accountability, the study pointed out gaps among different unions and formulated recommendations to bridge them.

Source: Coalition for Accountability and Integrity (AMAN). 2020. Governance, Integrity, Transparency, and Accountability of Trade Unions and Syndicates in Palestine - Ramallah

Unionism was substantially transformed after the establishment of the Palestinian National Authority in 1994. A public sector was established with tens of thousands of employees. Tens of government institutions, agencies, and security forces were created. These new bodies affected the context and role of trade unions, which led to increased attempts to dominate them. On the other hand, other syndicates were established, especially the so-called independent syndicates, to represent the interests of these new groups. The trade unions activity before the PNA may be summarized as follows:

- 1. Unionism as part of political action: historically Palestinian trade unions played a role in the struggle against the occupation and its labor policies. As a result, their expected role was modified as they became arms of the Palestinian forces and factions resisting the occupation, which also controlled them. After the creation of the PNA, political and factional forces continued their control of unions to the extent that party and faction affiliation became more important than union membership. Consequently, unions' independence was shaken making these organizations prey to political conflict and polarization. In the end result, unions' activity and positions remained captive of those of the political forces and factions².
- 2. Following the advent of the PNA, the roles of trade unions leadership overlapped that of the new Authority especially when many of the trade unions' leaders held senior administrative offices in the government. As they started to benefit from the perks of their offices, their advocacy for labor claims was undermined since they had to defend the public policies that were not always consistent with these claims³.
- 3. Weak democratic performance: Trade unions have not been organizing democratic elections for many years and opted for a factional quota representation. The popular organizations unions subordinated to the PLO adopted a factional and regional quota to select their leadership at local and national levels⁴.

² Rajab, Munzer, History of Palestinian Unionism, https://www.aljazeera.net/blogs/2017/8/2.

³ Al-Issa, Wajeeh, Freedom of Organization and Trade Unions Formation in Palestine (critical view for a change), 2006, pp. 9-11https://khair.ws/library/wp-content/uploads/books/1185.doc.

⁴ Rajab, Munzer, ibid.

- 4. Seism and split also affected trade unions and generated overlapping and conflicting representation locally and in pertinent Arab and international institutions and events. Several parallel unions' leadership surged increasingly following the internal political split and Hamas's control of the Gaza Strip in mid-2007. The political divide led to a political, factional, and regional split within trade unions, which started to act via two separate bodies, one in the West Bank and the other in the Gaza Strip⁵.
- 5. Decision-makers in trade unions do not enjoy independence vis-à-vis the decision-making centers of their factions. Popular organizations unions, for example, identify themselves as part of the PLO. The Palestinian National Council (PNC) approved in its fourth session the creation of a popular organizations mobilization and organization department to follow up on the implementation of trade unions and popular organizations movements. Members of the department and its unions and syndicates represent around 30% of the membership of PNC⁶. Furthermore, the political divide since 2007 has undermined the independence of trade unions and syndicates.

As the two major parties, namely Fatah and Hamas, fight over the control of trade unions, this latter became a dispute battlefield and started to be identified based on their factional affiliation. As a result, they are targeted by the other party in the West Bank and Gaza strip. Usually, their registration is impeded and their activities are targeted and their premises are closed. This situation not only undermines their independence but also leaves them prey to political conflict and interference to select their leaders. Consequently, unionism is generally compromised as union members are targeted.

Due to a large number of trade unions and syndicates in Palestine, and to assess the indicators relevant to the selection of their leaders, the report focuses on a sample of 10 trade unions and syndicates as shown in the next table:

Table (1): Sample of Trade Unions and Syndicates

No.	Name of Union/syndicate	The main area of activity	Establishment date and subordination	Geographic coverage
1	General Union of Palestinian Teachers	Education	1969 PL0	Inside and outside Palestine
2	General Union of Palestinian Students	Students	1959 PLO	Inside and outside Palestine
3	General Federation of Palestinian Trade Unions ⁸	Labor sector	1923 PL0	Inside and outside Palestine
4	General Union of Palestinian Writers	Culture and liter- ature	1966 PL0	Inside and outside Palestine

⁵ Palestinian Reconciliation Support Group, Conceptualizing rebuilding and uniting trade unions and popular organizations, Palestinian Policy Research and Strategic Studies Center, Masarat, Ramallah, 2014, p. 7

⁶ Abu Yousef, Wassel, Popular Organizations Department Report, PLO, 6/2/2022

⁷ Abu Amer-Adnan, Unionism and political reform in the context of Palestine, https://adnanabuamer.com/post/130; see also, Al-Issa Wajeeh, ibid, and Zakarnah Bassam, Unionism dilemma in Palestine, https://www.sadanews.ps/articles/54450.html; and Palestinian Reconciliation Support Group, ibid, pp. 23-24

⁸ A final agreement was established to merge the General Union of Palestinian Labor with the General Federation of Palestinian Trade Unions in 2018; the General Federation is responsible for all labor unions in Palestine and their branches. It also coordinates with overseas labor unions' branches. Interview with Mohammad Al-Bideri, member of the Secretariat General and Chair of the Legal Department of the General Federation of Palestinian Labor Unions, and Mr. Alaa Mayassah, Secretary General of Ramallah and Al-Bireh Branch of the Federation, on 5/6/2022.

5	General Union of Palestinian Women	Women's rights and representation	1965 PLO	Inside and outside Palestine
6	Bar Association	Legal practice	1997 Used to be part of the Jordanian Bar Association and then became independent under the PNA	Inside Palestine
7	Engineers Union-Jerusalem Center	Engineering	Used to be part of the Jordanian Engineers Syndicate, which was established in 1963 and then be- came independent in 1994	Inside Palestine (West Bank only)
8	Doctors Union – Jerusalem Center	Human medicine	Established in 1954 as part of the Jordanian union.	Inside Palestine (West Bank Only)
9	Association of Palestinian Local Authorities	Local authorities	1997 Independent	Inside Palestine
10	Federation of Palestinian Chambers of Commerce and Industry	Chambers of commerce	1989 Independent	Inside Palestine

Source: Governance, Integrity, Transparency, and Accountability of Palestinian Trade Unions and Popular organizations, Coalition for Accountability and Integrity (AMAN), 2020, p. 7-13 in addition to data collected by the researcher.

As for the characteristics of the unions and syndicates mentioned in the above table, their membership is mostly individual except for the Association of Palestinian Local Authorities (APLA) and the Federation of the Chambers of Commerce and Industry, which membership is institutional comprising several syndicates or organizations. Furthermore, part of the popular organizations is part of the PLO while the other half are independent or quasi-independent trade unions. Most of the trade unions were established before the advent of the PNA except the Engineers and Doctors Unions – Jerusalem Center. Most of the PLO-affiliated popular organizations operate inside and outside Palestine while syndicates and trade unions, like the Bar Association, APLA, and chambers of commerce operate only in Palestine and the Engineers and Doctors Unions are limited to the West Bank.

Regulatory framework of trade unions leadership selection

The PLO regulatory framework does not include any regulation on its affiliated popular organizations although the Palestinian Basic Law stipulates in Article (26) that all Palestinians have the right to participate in political life, both individually and in groups. They have the right to form, establish and join unions, associations, societies, clubs and popular institutions. However, no law has been enacted to regulate trade unions in Palestine despite several attempts and draft laws at the PLC•. On the other hand, there are laws regulating some trade unions like the Doctors Union Law No. (14) of 1954 and the Jordanian Engineering Professions Law No. (18) of 1958 and Law N. (3) of 1999 on legal practice. There is also a law by decree on chambers of commerce and industry of 2011, a law by decree on pharmacists' union of 2016, law by decree No. (21) of 2018 on construction contractors. There is also the Law on Charity Associations and Civil Society Organizations (1) of 2000, based on which most trade unions, like the Journalists' Union, were established.

Consequently, with the paralysis of the PLC following the political split and its dissolution in 2018, and due to a lack of interest in regulating syndicates, to date, there isn't any consolidated law to regulate trade unions. This incomplete regulatory framework creates several problems including in terms of the registration of new unions. Most unions are registered based on the Law on Charity Associations and Civil Society Organizations No. (1) of 2000 despite the flagrant difference in their objectives, area of activity, and organizational structure. Additional problems include the competent supervisory authorities, which – under the current legal framework – are limited to the Ministry of Interior.

The trade unions' organizational structure and selection of their leadership are mainly based on their internal bylaws and standing orders in addition to some laws relating to a number of these unions that date back to before the PNA establishment. Some unions have laws enacted after the PNA establishment in 1994.

Table (2): Regulatory Framework of Selection of Trade Unions Leadership

#	Union/syndicate name	Leadership selection legal framework
1	General Union of Palestinian Teachers	Internal bylaws
2	General Union of Palestinian Students	Union Constitution + internal bylaws
3	General Federation of Palestinian Trade Unions	Standing order
4	General Union of Palestinian Writers	Standing order
5	General Union of Palestinian Women	Internal bylaws + Law on legal practice
6	Bar Association	Internal bylaws + Law on Engineers Union
7	Engineers Union-Jerusalem Center	Standing order + Doctors Unions Law
8	Doctors Union – Jerusalem Center	Constitution + internal bylaws
9	Association of Palestinian Local Authorities	Internal bylaws
10	Federation of Palestinian Chambers of Commerce and Industry	Regulation of Chambers of Commerce and Industry + Law on Chambers of Commerce and Industry

[•] Issued by Hamas Bloc at the PLC in the Gaza Strip, Trade Unions Law No. (2) of 2013, https://plc.ps/ar/index/plc_law_details/44.

⁹ Governance, integrity, transparency and accountability of trade unions in Palestine, ibid, p. 19

According to the legal frameworks of popular organizations and trade unions mentioned in Table (2), their organizational structure comprises local, national and higher levels. At the local and national levels, there are committees, branches with administrative offices and national assemblies. At the higher levels, the general assembly represents the highest legislative authority in these unions and organizations and serve as middle councils that link the general assembly to the secretariat general and executive offices up to the chair of the union or its secretary general or syndic representative.

For example, the standing order and internal bylaws of the Teachers Union stipulates in Article (14) that the Union's organizational structure comprises a branch formed by all teachers in schools, educational establishments, Ministry of Education's district offices, and the countries in which there are Palestinian teachers associations. A Palestinian teacher is a de facto member of the Union. In every branch, a branch assembly is formed to be the highest legislative authority at this level. It is followed by the executive offices, which comprise an executive committee, a district committee, a department committee, and a unit committee. At the higher levels, as per Article (17), the Unions' general assembly convenes an ordinary meeting every four years and other extraordinary meetings. It is the highest legislative authority in the Union and is followed by the Union's Council, which is an intermediate body that links the general assembly to the secretariat general. The secretariat general represents the executive office and is composed of the secretary general and a number of deputies and assistants. An executive committee is formed from among the members of the secretariat general comprising the secretary general, secretary, and several members (9 members) The same applies to the General Union of Palestinian Students and the General Union of Palestinian Women, as well as the Engineers Union, the General Union of Palestinian Writers, the Bar Association, the Doctors Union, and the Federation of the Chambers of Commerce and Industry. They all have similar structures and representative boards, as detailed in the following table:

Table (3): The Structures and Regulatory Framework of Trade Unions Leadership

#	Name of union, syndicate	At local and	d national levels	At hi	gh levels
		General bodi	General bodies/Executive G		Executive
1	General Union of Pales- tinian Teachers	Branches assemblies		,bly	,Secretariat general ,Executive committee Secretary general
2	General Union of Pales- tinian Students	Branches general as- semblies		National general assembly meet- ,ing Administrative Council	Executive body Chair of the union
3	General Union of Pales- tinian Writers	Branches general as- semblies	Branches secre- ,tariats Committees	General assem- ,bly Board	Executive office: chair and secretary general

4	General Union of Pales- tinian Women	General assemblies and associations		General assem- ,bly Board	Secretariate General, chairperson's office, chairperson and a deputy and rappor- .teurs
5	Bar Association	Branches in governor- ates	Governorates representatives	General assembly	Bar Board and Members
6	Engineers Union – Jeru- salem Center	Branches and regions	Office manage- ment Branch commit- tee	General Assembly General assemblies of engineering offices and firms	Union Board Executive Office Engineering firms
7	Doctors Union – Jerusa- lem Center	Branches in governor- ates		General assembly	Union Board and Chair
8	Association of Palestinian Local Authorities	Local au- thorities	Local authorities' councils	General assembly/ representatives of member local authorities	Board Executive Office President of APLA
9	Federation of Palestin- ians Chambers of Com- merce and Industry	Chambers of com- merce and .industry Founding committees	presidents of	A general assembly comprising presidents and members of the boards of chambers	Board of the Federation Chair of the Federation
10	General Federation of Palestinian Labor Unions	General assemblies of unions and their branches		General assem- ,bly Higher Board	,Executive committee ,Secretariat General Secretary General

Source: prepared by the researcher based on the regulatory frameworks (laws, standing orders, internal bylaws) of the unions and syndicates.

Procedural framework of the selection of representatives and leadership of trade unions and syndicates

This section focuses on a review of the procedural framework of the selection of representatives and leaders of Palestinian popular organizations and trade unions. It tackles the legal framework and practice by assessing a set of indicators as follows:

- There is a clear and approved legal framework to select leaders.
- Periodicity of elections.
- Qualified voters and the terms of voting and candidacy to these posts.
- Procedures are clear and transparent and ensure fair competition for all candidates.
- There are specific terms in office in accordance with the law and standing order.
- There is a neutral body that supervises the elections to ensure their integrity.

Table (4): Mechanisms of selection of unions and syndicates' boards

No.	Union/ syndicate name	Clear selection framework	Periodicity of elections		An impartial body su- pervises the election	Board posts have a spe- cific term in office
1	Gener- al Union of Pal- estinian Teachers	Internal by- laws	Yes, the most recent elections were held in 2 0 1 9	The teachers who are members of the Union and who have fully paid their subscription fees. To be eligible to vote, at minimum one-year membership; to be a candidate for the post of Secretary General, at least ten years of membership, and for vice-chair 8 years and 5 years for general assembly membership.	Individual, secret, and direct voting in all branches. The General Assembly elects the Secretariat General and Board of the Union. A tripartite committee supervises the general elections of all branches. It comprises members of the secretariate general provided that they are not running as candidates.	The secretary general and his deputy may not remain in office for more than two consecutive terms.
2	General Union of Palestin- ian Stu- dents	Union Con- stitution + Internal by- laws	No. The most recent elections were held in 1990	Students in universities, colleges, and institutes (on an assiduous basis) are eligible members and pay membership subscriptions. Active membership may be granted to any former executive office or board member who has provided services to the Union.	' '	Indefinite term.

3	General Feder- ation of Palestin- ian Labor Unions	Standing Order	are peri- odically	Workers who have become Union members and paid their subscriptions.	The general assembly comprises elected representatives of the unions at the governorate levels, taking into account the proportional representation of each branch's representatives based on the number of members provided that the number of representatives of any branch does not exceed 15. The election regulations were modified in 2019 to adopt proportional representation. The general assembly members elect the higher council, secretary-general, and deputy secretaries-general. The secretary general and his deputies form the secretariat general.	
4	General Union of Palestin- ian Writ- ers	Standing Order	recent elections were held	Arab writer who works in a PLO-af-filiated cultural institution and member of the Union and who has fully paid	All the members of a given branch represent the branch's assembly. The branch's secretariat general elects the branch's representatives to the general assembly. The general assembly comprises elected branches' members and other	

5	General Union of Palestin- ian Wom- en	Standing Order	No. the most recent elections were held in 2009	Every Palestinian woman or spouse of a Palestinian man who is at least 18 years old. Candidacy and membership terms include payment of subscription.	Regional representatives are elected to the branch's assembly. The branch's assembly elects a board and representatives to the general. The number of members of the branch is accounted for in designating the number of representatives per branch provided that the number does not exceed 20 per branch. The general assembly elects a board that elects a secretariat general and an executive office.	Indefinite term
6	Bar Association	Standing Order. Law on Legal Practice	most re-	Practicing lawyers. To vote, subscriptions must be paid. For candidacy, the member must be a practicing lawyer for at least the past 5 years and not be penalized by suspension of license.	arate regions (north- ern and southern gov- ernorates) every two years, supervised by the Elections Commit-	

7	-	C1 1:			0 1:1	
7	Engi- neers Union - Jerusa- lem Cen- ter	Standing or- der – Law on trade unions	Yes, the most recent elections were held in 2021.	listed on the prac- ticing list after two months of their list-	Candidacy opens one month before the elections in the specified centers. Every engineer votes in his area of registration. The elections take place in one day.	of two con-
				To become a candidate, a member must be in the area of activity for at last 6 months and be a union member for at least 4 years, and not be penalized by a disciplinary council. A candidate to the board must be a member for at least 12 years. To be a candidate for the position of president of a branch committee, the member must be a member for at least 7 years.	The union's board prepares for each voter 3 ballots to elect the executive office, president and members of the branches' committees and representatives to the general assembly. The union's board nominates the elections' supervisory committee to comprise 3 members who are not candidates and the district supervisory committees. The elected board comprises a president, his deputy, a secretary general, a treasurer and heads of the regional committees.	
8	Doctors Union - Jerusa- lem Cen- ter	Internal Laws - Doc- tors Union Law	Yes, the most recent elections were held in 2 0 2 2	doctor registered with the Ministry of Health or resident	the chair via secret vot- ing; the board elects the vice-chair, secretary	

9	Associ- ation of Palestin- ian Local Govern- ments	Internal by- laws	Yes, the most recent elections were held in 2019.	Local authorities that are members of APLA and paid their subscriptions	The general assembly elects a board of 17 members representing metropolitan centers. The board elects the executive office, which elects the chair, vice-chair, secretary-general, and treasurer of the association.	tive office is elected for two years. An executive of- fice member
10	Feder- ation of Pales- tinian Cham- bers of Com-	Standing order of the chambers of commerce and industry + Law on the Chambers of Commerce and Industry.	most recent elections were held in 2019. The Minister of Economy issue a list of the dates of elections of the chambers of commerce and industry in the pe-	has a trading or industrial activity and is active in the Chamber. The person must be on the trade registry and be a member that fully paid all subscription fees. To become a member of the Chamber board, the candidate must be a member of the chamber for at least 3 years and may not be a board member of any oth-	Direct and secret voting takes place within 30 days from the elapse of the term of the sitting board or within 6 months from the Minister's decision to form a new chamber and elect its board. The Federation's general assembly comprises the elected heads ad members of the chambers' boards. The Federation's board is composed of the elected chairs of member chambers. It elects from among its members a chair, a vicechair, a secretary general, and a treasurer. A central election commission is formed by the Ministry of Economy to supervise the elections; it comprises an appeal judge, the coordinator of chambers' affairs, the Federation's Secretary-General, a senior ministerial officer and 3 members who have no interest in the elections. Sub-commissions are formed to observe the elections in each chamber. (the standing order of the chambers covers in detail the electoral process).	

Source: Analysis by the researcher of the regulatory framework of trade unions sampled in the present study and the information gathered regarding the elections in these unions.

The legal and procedural framework of the selection of the leadership of unions and syndicates, as explained in the above table, reveal a flagrant difference in the process in the popular organizations on the one hand and labor unions on the other. The process differs in terms of compliance with the legal delays of the elections, the terms of voting and candidacy, fair competition among candidates, the elections' supervisory body, the source of funding, and the intervention by external parties to influence the outcome. All these factors affect the political integrity of these elections, as explained in what follows:

I. Elections' Legal Framework:

Popular organizations refer to their standing and internal orders in the selection of their leadership. Some independent and quasi-independent trade unions have internal bylaws and a regulatory law with detailed provisions on the different phases of the electoral process. This is the case of the Bar Association and the Doctors' and Engineers' Unions, which benefit from clear electoral procedures that promote the integrity of the elections.

II. Periodicity of the Elections:

Elections are held periodically within their legal delays in some independent and quasi-independent trade unions. They are held every three years in the Engineers' Union where the most recent elections took place on 26/8/2021¹⁰. The same applies to the Doctors' Union whose most recent elections took place on 20/5/2022¹¹ and the Bar Association whose latest elections were on 15/5/2022¹². The elections in APLA are usually organized by a Council of Ministers' resolution and depend on the Council of Ministers' compliance. There isn't much pressure by any entities to prevent or postpone the elections of trade unions or thrive to keep the status quo to serve a certain party.

Several attempts were made to postpone the trade unions elections via the enactment of Law by Decree No. (9) of 2021¹³, which prescribes the adjournment of trade unions and popular organizations' elections for 6 months. However, trade unions viewed the said law by decree as an attempt to serve the interests of certain parties, namely Fatah, and to grant it the time to do its internal housekeeping to avoid losing the elections. It followed the promulgation of the Law by Decree on the General Elections, which was later abolished¹⁴. Trade unions considered the Law by Decree a humiliation to unionism by the executive power¹⁵. The President later issued Law by Decree No. (17) of 2021 to suspend the enforcement of Law by Decree No. (9) of 2021 two months after its promulgation¹⁶.

As for the popular organizations, despite the prescription of periodic elections, many of them, like the General Union of Palestinian Women, have not been holding regular elections since their fifth general assembly meeting in 2009; the same applies to the General Union of Palestinian Students whose latest elections were during its tenth general assembly meeting in 1990¹⁷. Some popular organizations have also witnessed a delay in the elections such as the Teachers Union whose fifth general assembly meeting was held in 2013 and the sixth general assembly meeting in 2019

¹⁰ Interview with Mr. Nadi Uleyan, Director General of the Engineers' Union, on 7/9/2022.

¹¹ Interview with Dr. Shawki Sabhah, Chair of the Doctors' Union on 6/9/2022.

¹² Interview with Att. Amjad Al-Shillah, member of the Bar Association's Board, on 15/9/2022.

¹³ Palestinian Official Gazette, Issue 177, 18/3/2021.

¹⁴ Postponing the Palestinian Trade Union Elections: Who Benefits? https://www.alaraby.co.uk/politics/

¹⁵ Who benefits from the postponement of trade unions' elections? https://www.alaraby.co.uk/politics/.

¹⁶ Palestinian Official Gazette, Issue, 179, 26/5/2021.

¹⁷ Baker Abu Baker, General Union of Palestinian Students and Hope, https://ae.linkedin.com/pulse

with a two-year delay from the legal deadline. The delay was justified by the Chair of the Union as resulting from the confusion related to the teachers' strikes and protests that took place then¹⁸. The same remark may be made regarding the Writers' Union, which held a general assembly meeting in 2009 and elected a chair in 2018 for a one-year term. In 2019, Poet Murad Al-Sudani was elected President of the Union. The President justified the irregularity of elections by the current political circumstances and the large geographic coverage of the Unions' branches¹⁹.

Commenting on the same point, Dr. Wassel Abu Yousef, Chair of the PLO Popular Organizations' Department, explained that the Department in the past three years was able to organize general assembly meetings of some unions to elect their boards. These unions include the Writers Union, Teachers Union, Union of Persons with Disabilities, Federation of Palestinian Labor Unions, and the Economists Union. He also added that work is underway to coordinate with competent parties to organize elections in all trade unions that have not been organizing elections for many years²⁰.

There are other unions like APLA whose elections are tied to the local elections that are set by the Council of Ministers²¹. This is also the case for the Federation of Chambers of Commerce and Industry whose elections are set by a decision of the Minister of National Economy. In the past, these bodies decided to postpone their elections several times while the Minister ruled on organizing the elections of the chambers of commerce and industry by the end of 2022 and early 2023.

Thus, many impediments obstruct the regular election of trade unions leaders, especially in the case of popular organizations. This situation compromises the democratic process and legitimacy of the unions representatives since they remain in office for too many years. This situation undermines the bases of political integrity.

III. Unions and Syndicates Membership: Impact on Voting and Candidacy Eligibility:

Trade unions and syndicates standing orders prescribe the terms of membership, which shape members' exercise of their right to vote and run as candidates to the unions' boards. These terms, in addition to being part of the trade or social group the union represents (labor, teachers, students, women, writers, doctors, lawyers, and others), an application must be submitted and accepted, subscription fees must be paid, and a member must comply with the union's standing order. Most of these orders explicitly prescribe that the union is affiliated with the PLO and represents one of its bases and arms. The Teachers' Union's Standing Order stipulates compliance with the PLO's National Charter and Standing Order as well as the decision of the National Council in all its sessions. The Women's Union's internal bylaws also prescribe a commitment to the Palestinian National Charter, objectives of the Palestinian revolution, and the united representation of the PLO as well as the national project embodied by the establishment of an independent Palestinian state on the pre-4/ June/1967 borders, with its capital Holy Jerusalem.

In fact, the political terms stem from the popular organizations' affiliation with the PLO. Consequently, their membership is determined by political affiliation with the national forces under the PLO. These terms exclude members of other political factions like the Islamist parties. In such a context, voting,

¹⁸ Interview with Mr. Saed Zreikat, Chair of the General Union of Palestinian Teachers on 7/9/2022.

¹⁹ Interview with Mr. Murad Al-Sudani, President of the Union of Palestinian Writers, on 14/9/2022

²⁰ Wassel Abu Yousef, Popular Organizations Department Report, ibid.

²¹ Interview with Mr. Moussa Hadid, President of APLA, on 14/9/2022.

and candidacy eligibility are restricted to certain parties. For this reason, several movements within these unions arose to contest the legitimacy of their representation with attempts to establish alternative bodies. This is the case for teachers and labor unions, for example. The result is overlapping unions in the West Bank and Gaza Strip and a dispute over legitimacy. This is particularly the case after Hamas Movement established several parallel unions in the Gaza Strip.

Independent or quasi-independent unions do not have such political terms and enjoy a broader political representation among voters and candidates alike. For example, the Engineers' Union's Board comprises currently four blocks that represent the Popular Front, Fatah, People's party, and Hamas Movement²². The Bar Association is composed of 15 members with different ideologies (Fatah, left parties, Islamic parties²³). The same applies to the Doctors Union and the Federation of Chambers of Commerce and Industry and APLA.

Moreover, some unions set two terms of voting eligibility, namely being member of the union or syndicate and fully pay any subscription or financial obligation. However, some unions grant full membership to certain persons who served the union but do not fulfill the terms of membership. This is true in the case of the Students Union, which enables certain persons that do not fulfill the membership conditions to hold leading posts in the Union.

Many trade unions prescribe a minimum period of unionism ranging from 10 to 12 years to be eligible to run as a candidate in the elections. These conditions may be an impediment to candidacy and compromise fair competition. They may also be used to exclude opponents

IV. What electoral system? What guarantees fair competition?

Electoral procedures vary in trade unions. Most unions organize their general assembly and branches' representatives' elections based on invitations by their secretariate general or executive offices. The elections are held at the branch level with the presence of the branch's assembly to elect the representatives to the general assembly. Committees with a membership of the executive office and secretariat general are formed to supervise the elections. Some election commissions have representatives of the competent ministry, as is the case for the Ministry of Labor or the PLO Popular Organizations Department²⁴. General assemblies elect the unions board and secretary-general like the Federation of Labor Unions and the Students Union as well as the Women's and Writers' Unions. In other cases, the secretariat general elects its secretary-general from among its members. The general assembly in some unions comprises in addition to the branches' representatives some former executive office and secretariat general members²⁵.. This has a significant effect on the outcome of elections and explains why some unions' boards remain in office for several years. This situation undermines the political integrity of the electoral process²⁶.

²² Interview with Nadi Elyan, ibid.

²³ Interview with Att. Amjad Al-Shallah, ibid.

²⁴ Interview with Dr. Wassel Abu Yousef, Head of the PLO Popular Organizations Department, on 5/6/2022.

²⁵ Interview with Mr. Mohammad Al-Buderi, Member of the Secretariat General and Head of the Legal Department, General Federation of Palestinian Trade Unions, and Mr. Alaa Mayassah, Secretary-General of the Federation's Ramallah and Al-Bireh Office, on 5/6/2022

²⁶ Mr. Shaher Saad, Secretary-General of the Federation of Palestinian Labor Unions mentioned in his response to the report that the unelected members attend the general assembly meetings as observers and do not have voting rights.

In many cases, leadership positions are distributed on a quota basis among PLO-affiliated factions and forces in the case of popular organizations since these forces represent most of the members of these organizations.

The standing orders of most independent unions include specific provisions to regulate the electoral process and election delays in all branches. Furthermore, specific polling stations are opened and supervised by central and regional elections commissions whose members are chosen based on terms that ensure integrity. Additionally, the registration of voters and candidates and the establishment of polling stations, and sorting of votes, as well as the announcement of the outcome, are appealable in all phases. This applies to the Bar Association, Engineers Union, and the Federation of the Chambers of Commerce and Industry.

These procedures are reflected in the competition among candidates. Coalitions and political polarization among competing forces also appear. Furthermore, the procedures boost participation. For example, in the latest Engineers' Union election, 60% of eligible voters participate, the rate was also higher than 50% in the case of the Doctors Union and exceeded 90% in the Bar Association. On top of that, elections in independent unions capture the attention of all official, unofficial, and civil society parties. Usually, there aren't many reservations emitted against the electoral procedures²⁷. This context promotes political integrity.

V. Term in Senior Offices:

The legal framework of some unions prescribes a specific term in office for the secretary-general, chair of the board, or president of the union. This applies to the General Union of Teachers, the General Union of Writers, and the Engineers Union (any person may hold such offices for a maximum period of two consecutive terms). However, other unions do not have a specific term in such offices, which enabled certain heads of boards to stay in office for many years. This is the case for the General Union of Students, the Federation of Labor Unions, and the General Union of Women.

VI. Sources of Funding:

The standing orders of popular organizations, like the Teachers' Union, stipulate that they shall receive funding from the PLO National Fund and the PNA budget. The sources of funding affect the unions' activities and programs because members' contributions do not suffice to finance them. One of the effects of funding appears on the outcome of the board elections. Ms. Intissar Al-Wazir, Head of the General Union of Palestinian Women, explained that the union's elections have not been held because of a lack of funding²⁸ because elections require hosting representatives of the general assemblies of the union's country offices. Furthermore, funding from the National Fund and PNA budget represents an entry point to control or postpone the elections. This situation allows for the exploitation of public funds to serve the interests of some parties at the expense of other parties and undermine political integrity.

On the other hand, independent unions depend on self-funding to finance their elections, which eliminates the possibility of using funds to affect the process.

²⁷ Interview with Amjad Al-Shillah, ibid.

 $^{28\} Interview\ with\ Ms.\ Intisar\ Al-Wazir,\ Head\ of\ the\ General\ Union\ of\ Palestinian\ Women,\ on\ 12/9/2022$

Challenges facing the election of trade unions boards:

- Weak legal framework especially in the case of popular organizations and some unions that do not have a standing order. In the absence of a law on popular organizations and trade unions, elections are regulated by the unions' standing orders/ internal bylaws, most of which do not include sufficient details on the electoral procedures. This situation compromises the transparency and integrity of the elections.
- 2. Elections of legislative and executive boards and general assembly representatives in most popular organizations and trade unions usually take place at the branch level. The general assembly elects members of the senior executive offices (boards, secretariat-general, chairs, or secretary-general), who have the actual power in these organizations. Thus, the elections do not necessarily control the outcome regarding the senior management of the unions because many unions add a large number of members to their general assembly or boards from among former executive office members. This situation adversely affects the selection of senior union managers and undermines the integrity of the process.
- 3. Many unions do not commit to holding elections on time, particularly popular organizations. They resort to quota distribution and sustain the same management composition for several years after the elapse of the office term. Consequently, the legitimacy of these leaders is undermined since they don't actually represent the members.
- 4. There are political conditions applied to membership in some unions, namely PLO-affiliated popular organizations. This means that their membership is restricted to a single political stream, which in turn affects the composition of their boards and the unions' ideologies.
- 5. Candidacy to senior management offices in some unions, especially the position of chair or secretary-general of the union is conditioned by being a unionist for many years (that may reach 10-12 years in some cases). This situation impedes fair competition in candidacy to these offices.
- 6. Some unions and their elections are exploited for political polarization among conflicting Palestinian forces (Fatah and Hamas), which deepens party loyalty at the expense of unionism. In the outcome, unions are duplicated and exist in parallel politically and geographically divided entities.
- 7. Lack of independence of the elections' supervisory bodies, especially those formed by a decision of the Union's senior executive office. The guarantees of their impartiality remain weak, which affects the integrity of the process.
- 8. Elections in many unions do not include the right to challenge or appeal to the outcome of elections or guarantees to review such appeals with impartiality and efficiency.
- 9. There isn't any specific term in office for holders of senior management positions including the head and secretary-general of the union. Consequently, many of them stay for as long as 38 years in office, thus building relations that serve their personal rather than the members' interests. In this regard, elections lose their meaning and cannot make the change.
- 10. Elections and organization of general assembly meetings of many unions and popular organizations, especially those affiliated with the PLO depend on funding from the PLO National Fund or the PNA budget. Thus, funding may be exploited to serve partisan and personal interests rather than the public interest.

Recommendations:

To ensure that Palestinian trade unions' elections are organized with integrity, it is necessary to organize general legislative and presidential elections as well as electing the PLO's Palestinian National Council. Organizing general elections is henceforth a primordial entry point to reform the regulatory framework of all other representative bodies, including trade unions and syndicates. To promote the integrity of trade unions' elections, the following recommendations are made:

- Enact the trade unions act to regulate unionism including the procedures applicable to the selection
 of their leadership in a clear and transparent manner. Review the standing orders of existing
 unions to tailor them to the particular purpose of each union and guarantee that elections are held
 with transparency and integrity.
- 2. The PLO Trade Unions Department needs to review the draft trade unions act to promulgate in accordance with the law and redress trade unions to operate in accordance with the law of the State of Palestine. Thus, all trade unions will be headquartered in Palestine with branches in other countries and guarantees to elect their leadership with integrity and transparency.
- 3. Trade unions should organize periodic elections within the statutory delays and refrain from having recourse to quotas or appointment to senior managerial posts.
- 4. The political terms of membership in some unions must be revisited to allow members of other political ideologies to join them and ensure plurality representation to protect these unions against a split.
- 5. Trade unions need to give precedence to unionism over party affiliation in order to serve the interests and rights of their members.
- 6. The terms related to the number of years in unionism to be eligible to become a candidate for a senior managerial post in trade unions must be changed because they compromise fair competition.
- 7. The maximum term in senior managerial offices must be set at two consecutive terms, especially for the post of the chair, secretary general, or chair of the board.
- 8. Guarantees of independence and impartiality of the elections supervisory bodies must be prescribed since they affect the transparency and integrity of the elections.
- 9. Ensure the right to challenge all the phases of the electoral process and to appeal against the outcome before impartial or judicial bodies.
- 10. Impost strict control on the use of public funds and resources to serve partisan, factional, or personal interests in the trade unions' elections.

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

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

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