



AMAN's Annual Conference 2022

Political Integrity

To What Extent Does Weakness and Fragility of Governance Integrity Hinder Government Reform Policies?





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Discussion Paper Presented to AMAN's Annual Conference 2022

A reform strategy is a mechanism and reference document referred to periodically by governments, their departments and institutions at the completion of each stage of their workplan and prior to planning a future one. This is a given fact since reform aims to overcome the challenges faced by the previous stage and to identify requirements of the next stage in the field of policies, legislative, executive and institutional measures and procedures and while considering the time frame and reality of the financial and human resources available. This is necessary in order to reform some aspects of the government's work including those related to promoting integrity and combating corruption in the management of public funds and public affairs. It is also necessary for the evaluation of the integrity of governance, requirements for a democratic transition and sustainable development to meet the needs of citizens and enhance their confidence in the political system. Hence, political Will ranks top in any reform process in order to counter those with special interests working in some centers of influence of the State and have no interest in the desired change.

The Palestinian Authority (PA) assumed responsibility for the management of public funds and public affairs upon its inception in 1994. As a result, it was faced with the challenge of establishing an effective government system with all the constitutional, legal frameworks and institutional building mechanisms that is needed to manage the lives of Palestinians living on occupied land since 1967 by "Israel". This was carried out in accordance with the Palestinian Declaration of Independence. However, the institutional-building experience of the State of Palestine, over the past twenty-seven years, has been plagued by many stumbling blocks. This was followed by calls for reform by multiple Palestinian and international parties, first and foremost by the donor countries where they called on the PA to reform its institutions through the Palestinian Legislative Council (PLC). These calls escalated as the inadequacy and weakness of the PA and its institutions to provide adequate assistance to citizens were clearly visible following the Israeli military invasion of PA areas in April 2002.

In that regard, a reform initiative was launched by the PA in June 2000 through a letter to the International Monetary Fund entitled "The Economic and Financial Framework of the Palestinian National Authority". The Initiative ended with reforms that focused mostly on consolidating the public budget, reduce interference of official parties in the Palestinian economy and conducting legislative and presidential elections as well as some reforms in the judiciary. The second round of reform attempts was launched after the internal division in 2007, represented by the Reform and Development Plan 2008-2010, which aimed at controlling the many cases of the "phantom employee". The third wave reform attempt was for the years 2021-2022. This initiative included the President's decision to establish the National Committee for Administrative, Structural and Institutional Reform, after which the government is to present its reform agenda at the donors' conference in Brussels in May 2022.

The purpose of this paper is not to review and assess the multiple aspects of the reform process, but to examine areas of non-implementation and or failure to achieve the set goals caused by the weakness and fragility of the integrity of governance.

The 1996 report of the General Oversight Authority (GOA) published in 1997 prompted calls for reform in the PA institutions, where the PLC formed a special committee from among its members to study the report and provide feedback. The committee's findings confirmed the shortcomings pointed out in the report of the (GOA) and presented a set of recommendations concerning the accountability of a number of senior officials responsible for abuse of power.

Fate of the recommendations of the local and international reform plans and programs presented to the PA institutions

Numerous reform projects and plans have been submitted at the local and international levels that identified and addressed non-functional/ troubled areas in the PA institutions, including:

1. The Independent Working Group's (Strengthening PA Institutions) Report¹

Recommendations presented by the report included the various aspects of the PA's work, such as: activating the oversight role of the PLC over the executive authority; ensuring independence of the judiciary; consolidating finances by drastically reducing the number of non-attending employees; adopting competency-based recruitment standards; implementing political and legal supervision over the security services' work, especially since the president vowed to take measures that he called "development" not reform, hence denying the existence of errors or corruption.

2. The PLC 's declaration for the Development and Reform of PA Institutions²

The PLC in its session held on the May 16, 2002, issued a declaration on the development and reform of the PA institutions; highlighting the following: to ensure the independence of the judiciary, respect for the rule of law and the implementation of judicial rulings; abolition of the State Security Court; review of the electoral law and allocating dates to hold legislative, presidential, municipal and trade union elections; guarantee public freedoms and rights of all citizens; protect the Funds and their finances, especially the legally defined funds of the Palestinian Pension Agency; reorganize public security on new foundations by defining its powers and subjecting it to the authority of the minister of interior; subjecting the heads of independent public bodies, not linked to ministries, to the approval of the PLC; prepare regulations that regulate the work of governors and administrative divisions and define powers granted to each; ensure implementation of the Civil Service Law.

1 Yazeed Sayegh & Khalil Shiqaqi, Strengthening PA Institutions/report of the Independent Working Group, Sponsored by the Council on Foreign Relations, New York, Council on Foreign Relations, translation and production of the Center for Palestine Research and Studies, Ramallah, 1999.

2 Declaration of the Palestinian Legislative Council for the Development and Reform of the Institutions of the Palestinian National Authority, Ramallah, PLC, May 16, 2002.

3. The Palestinian Government's Hundred Days Plan-2002³

The plan included multiple aspects; following is a list of the most prominent points selected for the purposes of this paper:

- **To instill the principle of the separation of powers, the rule of law and the independence of the judiciary;** restructure the ministries and government institutions; prepare for presidential, legislative and municipal elections; implement approved laws.
- **Internal Security:** rebuild and unify the security services; activate the role of the Ministry of Interior and respect for the rule of law.
- **Financial matters:** stream all of the PA revenues including grants and financial aid to the unified treasury account; strengthen the independence of the General Supervisory Authority, and develop the public budget's preparation process.
- **The Judiciary:** activate the judiciary apparatus and secure its requirements such as the number of Judges, and buildings for courts, public prosecutor and prisons, in addition to establishing the Court of Cassation, and development of court administration.

No follow-up was carried out concerning the implementation of the set objectives. These include objectives related to holding elections, approving the Governors' Law, and rebuilding of the security services and subjecting them to the Ministry of Interior. In addition, no follow-up was done concerning enhancing the independence of the State Audit and Administrative Control Bureau (SAACB).

4. Road Map Plan 2003⁴

The Plan included several aspects of reform related to the objectives of this paper; these are:

- An actual and real separation of powers on the ground, the executive, legislative and judicial.
- Form an independent Palestinian Election Committee.
- Hold free and fair Palestinian elections.
- Restructure the PA security services and integrate them under one central command.

The implementation of the plan was stalled. Elections were not held although the amended Basic Law was issued and the the position of prime minister was established. In addition, dispute emerged between the two executive positions (the president and the prime minister) hence disrupting the process of reform of the security services and the judiciary.

The government does not provide periodic reports on the reform process: why?

Apparently, the government and its reform committees or supervisors of the reform process do not consider themselves accountable to the Palestinian people, or that they should be held accountable by them. That is why they refrain from submitting periodic reports on the reform process hence the level of progress and the extent of goals achieved remain ambiguous.

3 Draft of the Hundred Days Plan for the Palestinian Government, Ramallah, Ministerial Committee for Reform/Coordination Unit, June 23, 2002.

4 Road Map: report on the status of the Road Map, the first stage, Ramallah, the Palestine Liberation Organization's Negotiations Support Unit, May 5, 2003.

5. The Government's statement before the Legislative Council on April 29, 2003⁵

Prime Minister Mahmoud Abbas presented the ministerial statement to obtain the government's vote of confidence from the PLC on April 29, 2003. The statement included a set of specific commitments concerning the reform process within the Palestinian political system; most important of which:

- Implementation and development of the reform plan and in particular, the reform plan adopted by the PLC.
- Collective commitment to the principle of the rule of law and an independent and effective judiciary; reconstitution of the Higher Judicial Council in accordance with provisions of the Judicial Authority Law of 2002; improving the conditions of courts.
- Development of the security institutions and agencies' structures and hierarchy and ensuring its non-interference in peoples' lives except in accordance with the law.
- Safeguard human rights granted by the Palestinian Basic Law and international conventions to include the right to expression and guaranteed political pluralism.
- Continue to regulate the Authority's investments and subjecting these investments to regular government supervision and control. Also, consolidate all resources of the PA within the Ministry of Finance and prevent exploitation of governmental influence in trade and investments.

However, the power struggle between the Prime Minister and the President, which was joined by a number of centers of influence, led to the resignation of the Prime Minister and disruption of the plan he presented to the Council.

6. The Palestinian Reform and Development Plan 2008-2010 (Post Division)⁶

Among the provisions contained in the Development and Reform Plan 2008-2010 is a program for building effective regulatory institutions with strong capabilities for an independent financial control.

The government faced fierce opposition from centers of influence that affect the political system and in particular, the measures that affected influential members of the security services and the Fateh movement.

7. The National Reform Agenda 2017-2023

This plan is integrated into other national strategies and plans such as the National Policy Agenda 2017-2022, the Public Policy Plan 2021-2023 the National Development Plan entitled " Steadfast and resilient Palestine and the disintegration and cluster development towards independence", as well as in sectoral and cross-sectoral strategic plans.

8. The President's decision to form a national reform committee in 2021⁷

President Mahmoud Abbas issued a presidential order to form a national reform committee on October 18, 2021⁸ to consider all issues relating to public service positions for the purposes of reform.

⁵ The Ministry's statement presented by the Prime Minister, Mahmoud Abass, before the PLC in its special session to put forth the vote of confidence in the government; the PLC headquarters, Ramallah. April 29, 2003.

⁶ See the Palestinian Reform and Development Plan 2008-2010. https://www.preventionweb.net/files/26380_prdp200820101.pdf

⁷ See: Decision No. 104 for 2021 on forming a national reform committee, the official paper, no.185, issued on November 22, 2021.

⁸ See: Decision No. 104 for the year 2021 on forming a national reform committee, the official paper, no.185, issued on November 22, 2021.

This includes development, streamlining hierarchies, rationalizing expenses, improving performance and provide control concerning the functional and structural relationships between the PA positions/ institutions and institutions affiliated with the PLO. However, the Committee had not published any reports as of the date of the Conference⁹.

Composition of the National Committee for «Administrative» Reform

The National Committee for Reform was formed by the decision of the Palestinian President Mahmoud Abbas on October 18, 2021, headed by the legal adviser to the President. Members of the committee include: the secretary general of the Council of Ministers, the head of the General Personnel Council, head of the SAACB, head of the Palestinian Pension Agency, chairman of the Organization and Administration Commission, and the Minister of Justice. Also, representatives of: The National Fund, the Finance Ministry, Ministry of Foreign Affairs and Expatriates Affairs, and the General Intelligence Service.

Source: Decision No. 104 for 2021 on forming a national reform committee, the official paper, no.185, issued on November 22, 2021.

The above-mentioned reform committee in its current composition is considered a governmental committee only. However, it is not a national committee since it does not include independent individuals nor members from other sectors of society. This sparks fear that the reform process is more of a formality rather than a substantive one, which means weakness of the integrity of governance, and hence covering up for its influential poles will continue. Moreover, the abovementioned committee did not publish any report including its monthly reports specified in the establishment decision and ignoring the fact that its assigned timeline for completing its work has expired ; set for one year after its formation date of October 18, 2021.

9. REFORM AGENDA 2022

The Palestinian government launched the government reform agenda in 2022¹⁰, which was presented to the May 2022 donor conference held in the Belgian capital Brussels. It included five focal points and twenty-one priority reform steps covering all areas of: administrative reform; fiscal reforms; economic reforms; social reforms; and security and public order reforms¹¹. The unpublished document noted that the Reform Agenda aims to restore confidence through what is called “democratic revitalization” as well as build stronger and more transparent institutions.

Clearly the “Reform Agenda” was designed, prepared and presented to donor countries for the purpose of obtaining funds and not for the Palestinian public interest. This was plainly clear from the method and mechanism of secrecy in which the Agenda was prepared and failure to publish its draft to be shared with civil society or any other sector for that matter.

⁹ For more information on AMAN's position on the formation of the National Administrative Reform Committee, please go to the following link: <https://www.aman-palestine.org/activities/16138.html> .

¹⁰ There is no Arabic-language version of the Government Reform Agenda 2022, it is available in English only. Therefore, it was relied upon in the preparation of this report

¹¹ REFORM AGENDA - Economic and Financial Recovery, Strengthening Resilience, and Restoring Trust- May 2022

Conclusions:

A review of the announced and unpublished reform plans for the past twenty-two years revealed a set of conclusions:

1. The continued stalemate in the failure to achieve basic areas of governance is related to building a democratic state, such as: an elected legislature, a transparent and participatory government administration, an independent judiciary, and regulatory institutions to monitor the political authority, which reflects the vision and decisions of the dominant political party. It also includes implementing reform policies for purposes not necessarily in the public interest, but only to manage governance crisis. This threatens and transforms the regime into a totalitarian system that allows the powerful to obtain self-privileges at the expense of public interests without any consequences, accountability or punishment.

2. Although the same goals, issues and topics of reform continue to be similar and repeated in the majority of the reform plans and programs that have been adopted by many successive governments, no implementation commitment was shown; a clear indication of the lack of will among these governments.

3. It was noted that some reform plans were being submitted to external parties without being made public to the Palestinian citizens. This applies specifically to those submitted to donor countries such as the government's Reform Agenda presented at the donor conference in Brussels in May 2022. Although reform is a Palestinian popular demand and need, some reform processes have been directly tied to international pressure in order to resolve government crises or because of internal complaints. An example of this are grumbles within Fatah, which preceded the president's decision to form the National Reform Committee in 2021.

4. The executive authority (president and government) continues to take it upon itself to issue decisions and reform plans in the various fields without engaging representatives of citizens or CSOs. It also issues these decisions and plans without community debate which can help to identify national priorities for the reform process, or contribute to the formulation of sectoral and cross-sectoral national policies. The executive authority's actions reflect a lack Will to implement theses plans for fear of social accountability pressure on the government and senior officials, especially in the absence of a legislative council that would carry out that role.

Recommendations:

A serious reform process carries significant changes in the type of regime and the mechanisms by which it earned its legitimacy. It also carries significant changes in centers of influence and their capabilities as well as key positions and their representatives. Such reforms come with actions responsibilities that entail: ensuring the legality of actions; building effective institutions that provide various services and are accountable and responsible for their actions and decisions based on a commitment to achieve the desired results. For this to be achieved, the reform process requires political Will first and foremost. It also requires a defined time limit for implantation and a political system that bears responsibility for decisions taken in the process as well as a provide a clear explanation of procedures and reasons for carrying out these actions to citizens.

For these reasons AMAN sees that any policy related to reform, if to succeed, must include fundamental political reform in the governance system that provides a real will for a change that reflects public needs and constitutes the aspects that meet its priorities. (i.e., it must be based on foundations that reflect a genuine will for reform). Based on the above AMAN recommends the following:

1. With the aim of enhancing citizens' confidence and trust in the seriousness of the government's political Will in the reform process, the process must be supervised by a national committee composed of public figures known for their integrity, impartiality, independence and sufficient experience. Or individuals who have experience in public administration and have earned the trust and respect of the Palestinian people.
2. Adopt viable reform plans that address the structural imbalances congruent to the Palestinian national needs without succumbing to external pressures, and can contribute to the optimal use of resources and wealth that best serves citizens. Plans must also work to enhance the quality of services provided to citizens, especially the marginalized groups and less fortunate areas.
 - Follow up on the implementation of the Reform Agenda's finances. Ensure commitment to ntransparency in the management of the public budget, which means committing to the announcement of the various budget documents and disseminating timely information that allows citizens to participate in defining the budget's priorities within the budget, which will make it easier for social accountability to manage facilitating community accountability.
 - Openness to citizens is essential through the realization of the right of citizens to access public information. Publish plans, measures, procedures and decisions related to the government's implementation of the reform plan.
3. Strengthen partnership with CSOs to build and implement reform plans; activate community participation in the implementation of these plans.
4. The government must publish reports on the implementation results of the reform process and other government plans. It must also develop an interactive platform for community feedback and suggestions that are provided by representatives of citizens and CSOs.

The seriousness of any reform process lies mainly in the existence of an elected legislative council that approves government reform plans; monitors the government performance and holds it accountable concerning the implementation of these plans.

AMAN
Transparency Palestine



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

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

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

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