

Arab Thought Forum

Democratic Formation in Palestine

General Report 2

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Democratic Formation in Palestine

Second General Report

Introduction

This is the second annual report issued by the Arab Thought Forum about the state of democracy in Palestine. As mentioned in the introduction of the previous report, the objective is to monitor and follow up democratic formation in Palestine and detect the main features, whether positive or negative. Issuing such a report is considered a great challenge and responsibility that involves much risk. However, it represents a national duty that seeks primarily to ensure the welfare of the Palestinian people, the basic motive for such a report.

The reactions to the previous report ranged from considering the approach to be diplomatic and complimentary to considering it characterized by frankness and courage.

Confronting such divergence, the Arab Thought Forum wishes to clarify unequivocally that its report does not intend to flatter or to condemn. It primarily seeks objectivity and probing into weaknesses and strengths wherever they are. In other words, the Forum is not for or against, but comprehends the complexity of the situation. The Forum does not believe that any society, especially Palestinian society, is divided into good guys and bad guys but views that society is primarily a group of people that could make mistakes or sin. In this report, we do not seek to throw stones but to focus on flaws, in the hopes of remedying them. Accumulation of mistakes could disrupt the process or cripple it. Rectifying the process requires encouraging the positive trends sought by the Palestinian people.

Methodology and Approach

This general report is a summary of four periodic reports and twelve monthly reports issued by the Arab Thought Forum in the period between October 1998 and December 1999. It covers a period of somewhat more than a year. Starting from the coming year, we will be able to cover the report for a full year. These reports cover the process of democratic formation. Each report differs in its methodology and addressing targeted topics. The monthly reports are a monitor of current events and issues. The quarterly reports are a description and analysis of main events indicating democratic formation and drawing specific conclusions concerning the period under study. The general report seeks to analyze all the above-mentioned aspects underlining weaknesses and strengths in light of steps forward or backward and following up the daily course of events during the given year. In addition, it analyzes and summarizes issues tackled by the annual report.

The series of reports (whether monthly, quarterly or this general report), seek to underline elements, supportive or disruptive, of the democratic formation.

The general report is a byproduct of the systematic monitoring of events. It is a result of press, information or reports issued by government or non-government sources as well as reports by international institutions working in Palestine. It also includes public opinion polls conducted by local institutions.

From an analytical point of view, the activities of the Arab Thought Forum and the Center for Citizens' Rights constitute a basic element in crystallizing various opinions and analysis. Such activities include a wide array of opinion articulated in the activities of the Forum. This involves a broad spectrum of participants from the political and intellectual Palestinian leadership.

The Arab Thought Forum has chosen to approach the issues addressed in an approach that responds to the holistic outlook to Palestinian society and its institutions both horizontally and vertically. This is not the only or ideal approach in presenting the report. The Forum sought as much as possible to take into consideration views made by participants in discussion sessions regarding the first general report issued in March 1999. This formed an integral part in the preparation of the current report.

In light of the absence of clear, agreed-upon and integrated measurement tools to follow up democratic formation quantitatively and qualitatively, this report hopes to contribute in monitoring democratic formation. The Forum appreciates the efforts of specialized institutions that have sought to provide a quantitative expression of such trends.

General Outlook

The past period represented for Palestinians another phase in the efforts to provide the minimum ceiling of legitimate demands that were not fulfilled. The intensive Israeli/Palestinian negotiations sponsored by the USA led to the Wye River memorandum that was confirmed by the Sharm El Sheikh accord. Despite the many accord celebrations, there was little progress on the ground. The decision of the Israeli government to call for new elections undermined the schemes of the Palestinian National Authority at the end of the interim period on the 4th of May 1999.

As part of the Wye River accord, the Palestinian territory welcomed the visit of President Bill Clinton, who attended the session in which Arafat delivered to the American Administration the alterations required in the National Charter.

The formation of the new Israeli government after the fall of Netanyahu provided an opportunity to move on with the peace process. The Palestinians, who were waiting for the end of the five-year interim period, have backed down from declaring their state in return for International and Israeli promises to remove the obstacles placed by Netanyahu and reaching out within a few months to a final solution based on the new government's readiness to find a format to implement the Wye River accord.

Soon after, it became clear that Barak's government pursued a hard line policy that has undermined the peace process. The Israeli government acted to impose solutions on the ground undermining talks for a permanent solution and reaching peace accords.

The Israeli Prime Minister views that Security Council resolution 242 does not apply to Palestinian territory in the West Bank and Gaza. He considers that this applies to countries that enjoy sovereignty, such as Egypt and Syria.

Barak's policy is based on his four 'Nos' that he announced upon his election. This includes non partition of Jerusalem, considering it the capital of Israel, non-return of refugees being a red line that he could not back down from, no to the return to the borders of the 4th of June 1967 in an attempt to annex 50% of West Bank and Gaza land and insisting on keeping Jewish settlement blocs under Israeli control.

While major issues of final settlement were left to the framework accord supposed to be completed in September 2000, it is unlikely to have credible deadlines in achieving accords in the peace process. The framework accord includes 18 items involving borders, refugees, settlements and Jerusalem.

The statements and behavior of the new Israeli Prime Minister with the Arab parties clearly reflect a patronizing attitude that does not recognize the Palestinians as equal partners. It offers humiliating propositions that are bound to lead to new tensions in the area and undermine the peace process by overlooking the issue of land and focusing on cosmetic administrative matters that carry no importance. It tries to dismiss basic issues into talks about final status negotiations.

The Israeli government has sought to systematically procrastinate and extend talks with the Palestinians to the longest period possible. It engaged in speaking about the Syrian/Israeli accord to isolate the Palestinian track. As a result the Palestinian leadership has declared that the negotiations have reached a dead end. While the interim period has been concluded, the Israeli government has not delivered more than 20% of its declared commitments. The labor party, which has a history of deceit, dampened the expectations emerging from the collapse of Netanyahu's intransigent positions. The new government has not implemented positions after one year of taking over power, except a tiny part of what Netanyahu had pledged. The new government has continued the policy of land confiscation and settlement that the previous government had frozen.

Judging from the behavior of the Israeli government, one can see that the political process is not moving towards a just peace. All indications make it clear that the Israeli interpretation of the Oslo Accords are confined to security and administrative arrangements, keeping the Palestinians under Israeli military and strategic hegemony.

The new Barak government is seeking to exhaust and weaken the Palestinians before reaching the final phase negotiations while the Israeli side is extending its control over the largest area possible of Palestinian lands.

It is unlikely that international forces, such as the United States and Europe would exercise any effective pressure to counter the plans of Barak's government. The Arab position is equally ineffective.

Palestinian official declarations in the period covering the first half of this report focused on the declaration of the independent Palestinian state in May 1999. It wavered between commitment to the deadline or postponing it, which is what eventually happened.

The Palestinian National Authority [PNA] is faced with crucial tasks. The emergence of a modern state transcends theoretical political litigation and symbolic measures. In the case of the Palestinian model, the establishment of the state requires developing state structures during the interim period in

order to assume responsibility and practical sovereignty. In practice, the declaration of the state carried the potential for confrontation leading to a showdown.

It is clear that in spite of some progress achieved in the Palestinian territories, the situation has not reached a level that can afford the implications of a unilateral declaration of the state and the potential results.

Although one can trace a dynamic construction process, there are many setbacks in the internal Palestinian situation and the national spirit. This is a very serious matter because it is with such a determined spirit that the Palestinians have resisted for over a century plans to undermine their national existence. This report will probe into various aspects of internal affairs. The crux of the matter is whether the Palestinian National Authority [PNA] will seek to boost its prestige by resorting to the rule of law and the legitimacy it acquired through the elections or create an atmosphere of fear and coercion. The choice is between popular support based on discipline and law or using the law as a cover-up for abuses. More important than this is the need to incorporate citizens in a constructive approach that includes criticism and a sense of responsibility to strengthen the system. Otherwise, a state of alienation and detachment could prevail causing a polarization that could turn violent between supporters and opponents of the Authority.

It would be a major strategic mistake to alienate citizens and push them into an atmosphere of isolation.

The tone of this report seeks to balance between diplomatic courtesy and unequivocal exposure of issues in a frank manner. The dichotomy between the process needed to develop the Palestinian entity into a real state based on democracy and the rule of law on the one hand and the impediments obstructing such an orientation on the other, have to be clarified. It is a first rate national duty that each citizen participates in society within a system that guarantees basic rights and sharing in the decision-making process.

Arab Thought Forum International Conference

Palestine at the Crossroads: Perspectives of Citizenship and Prospects of Identity

Final Statement

The Arab Thought Forum held its first international conference at Birzeit University in the period 21-23 June 1999. Around 300 participants from all parts of Palestine were involved, including representatives from the diplomatic corps and non-governmental organizations operating in Palestine.

The participants included forty-six speakers representing the PLO, the PNC, the Executive Committee, the PNA with its diverse executive, legislative, judicial and security branches in addition to representatives from Palestinian civil society organizations – parties, public organizations, NGOs and a select number of foreign experts.

The conference sought to contribute to the general effort of building a democratic society in an independent Palestine. During the sessions, the conference discussed the following aspects:

1. Current conditions and role of the PLO.
2. Performance of the Executive, Legislative and Judicial branches.
3. Status and role of civil society organizations.
4. Relations between the PA and political parties and their interaction.
5. The process in both transitional and final phase issues.
6. The foundations and principles of establishing a modern state in Palestine along with the separation of powers, the role of civil society organizations and the rule of law.

A basic conclusion of the conference was that the peace process has not only been stalled, but there have been clear attempts by Israel to destroy it altogether. The hard line Israeli government has stalled for three of the five years agreed upon as the interim period. The fall of that government does not guarantee a revival of the process. The government now being formed has not shown any positive indications.

The consensus emerging from the conference indicated the following:

1. The PLO leads the Palestinian struggle and is the framework for representing Palestinians everywhere.
2. The PNA is the actual political project that needs to reform its practices and remedy its existing flaws to become efficient and develop into an independent state with Jerusalem as its capital.
3. The Israeli Occupation in 1967 is a military occupation that should be halted.
4. Based on item 3, all measures and changes undertaken by the Occupation are null and void. This includes settlement plans, land confiscation, and control of natural resources. The Palestinians are entitled to compensation for all losses incurred during the Occupation.
5. The lull in the peace process is essentially due to Israeli intransigence, and its need to gain time to impose realities on the ground that are in violation of international law and undermine UN Resolution 242, which is the basis of the peace process.
6. In order to achieve a just and viable peace, the final phase agreement should address and resolve the following issues:
 - The issue of refugees and the need to implement UN resolutions that gives them the right of return.
 - Jerusalem lies at the core of Palestinian heritage, religious and physical existence. While the geographic unity of the city should be recognized, there is no substitute for Jerusalem as the capital of Palestine.
 - The state of Palestine must constitute a geographically contiguous unit.
 - The Occupation has taken control of resources and properties belonging to the Palestinian people in territories occupied in 1948 and 1967. The Palestinian people, through official institutions are entitled to compensation at real values in order to be able to achieve reconstruction.
 - The settlements are a cornerstone of the Occupation and therefore must be dismantled as one of the expressions of this occupation. Their infrastructure should be calculated in the compensation negotiations.
7. The Palestinian ordeal of suffering and aspirations should motivate them to express their human and cultural heritage through an independent, sovereign state in the family of nations.
8. The Palestinian state needs to contribute in the promotion of world peace, transforming the Middle East into a safe area engaging in constructive neighborly relations with full economic relations.
9. The Palestinian state must be built along modern principles and mechanisms adopting democracy, the rule of law and separation of powers.
10. Palestinian National security is of prime importance; all efforts should be made to ensure it without allowing Palestinians to be

11. Commitment to principles of justice, transparency and accountability are of great importance in an atmosphere allowing freedom of thought and expression with equal opportunities to each citizen, regardless of background.
12. The state in the final analysis is the expression of the direct and free choice of the people through democratic elections.
13. NGOs and civil society institutions are a crucial part of national life. They should have legal, procedural, moral and material support in order to be able to fulfill their role.
14. The Palestinian people are the guardians of an enormous historic, religious, natural and aesthetic heritage, which should be preserved. Means to assume this responsibility should be secured.
15. The Palestinian state would be a result of 100 years of struggle, suffering, and experiments. Extending this requires enormous material means that are not available. The international community bears the responsibility of providing such means to all Palestinians to properly develop their entity.
16. The emerging Palestinian State is a by-product of a century of struggle, suffering and experimentation. It is the natural result of exercising the right of self-determination. It requires enormous financial resources that are not available to the Palestinian people. The international community, which is largely responsible for the suffering of Palestinians, has the responsibility of supporting the Palestinian people through providing financial, political and moral means and assure the proper development of an independent State.

Appeals

Within such a framework, the conference requests the assistance of the following institutions:

1. The International Community and the United Nations:

Resolutions and statements supporting Palestinian rights are insufficient if they are not linked to adequate mechanisms and measures that guarantee implementation on the ground. Basic rights should not be conditional or linked to a balance of power or political deals.

2. The Occupation Forces:

The historic decision of the Palestinian people to join the peace process was a result of historic responsibility towards global peace. It is counterproductive for Israel to respond by greedy steps of acquiring land, controlling natural resources, restricting movement and other oppressive measures.

3. The PLO:

To pursue its transformation from a symbolic political structure to a mechanism for implementing a national home for the Palestinian people. The PLO engulfed the geographic, political and religious identity. It is required to fulfill its objective of establishing the Palestinian state.

4. The PNA:

To fulfill its job as the legitimate arm of the PLO on the ground and meet the challenge of laying and developing proper procedures based on the rule of law and justice, transparency and accountability thus allowing the development of a healthy entity.

5. The Friends of the Palestinian People:

To expand solidarity work, networking and widening the flow of information and concrete measures that would guarantee Palestinian rights. Special appreciation was expressed for the friends who maintained support for Palestinian rights against all odds.

6. The Palestinian People:

Hardly did a people suffer as much as Palestinians. While the Kuwaiti refugees returned home after 45 days and the Kosovars after 80 days, Palestinian people after 50 years are still living in refugee camps.

Patience, perseverance and hard work are needed together with commitment, national unity and constructive work towards a better future.

1. Institutions of the Palestinian National Authority

1.1 The Executive Authority

1.1.1 The President

Due to many elements, President Yasser Arafat is at the core of the Palestinian political process. He fills key positions¹ and oversees Palestine's internal and external relations. The process of construction is prevailed by the outlook, position and decisions of Yasser Arafat directly.

Due to the lack of completing legislative and administrative structures, there are serious legal flaws. This has resulted in presidential decisions that sometimes do not run in line with the principles of the rule of law in form and in content. This is occurs in cases of political detentions and job appointments.

During the first half of last year, the President focused on the May 99 declaration of the independent state. The countless visits that he has undertaken across the world have kept the Palestinian issue at the core of international concern. In general, the President has had to confront Israeli tactics to circumvent delivering interim issue agreements including the agreed-upon deadlines.

On the internal front, Arafat's policies have undoubtedly preserved a good level of stability reflecting a general popular approval of internal policies. However, such approval is not absolute and is undermined every now and then, raising questions. In general, internal developments are concentrated on the following aspects:

The Economic Aspect: The economic aspect is largely subject to the developments in the political process. The Palestinian economic potential is largely limited due to Israel's control of international passages and restrictions on movement between the West Bank and Gaza, as well as control of most natural resources. Other limitations include conditions set by donor countries and restrictions on internal investment. Although there is a marked improvement in investments, especially in construction, tourism and infra-structural projects, such as roads and the airport, industrial investment is still limited. Unemployment is still rampant. Open export policies severely

¹ Yasser Arafat assumes the functions of President of the State of Palestine, Chairman of the Executive Committee of the PLO, President of the PNA, General Commander of the Armed Forces, and four ministries: Waqf & Religious Affairs, Interior, Education, Youth & Sports.

undermine local industry. Moreover, there are major monopolies controlled directly by the Authority, undermining proper economic growth. Official denial of the existence of such monopolies is not convincing. This creates a negative mood as to the fate of public revenues.

Internal policy: There has been great activity throughout last year in the field of national dialogue. President Arafat conducted high-level talks with the leadership of the Popular and Democratic fronts. Points of convergence emerged as a result of such dialogues, although there are still points of divergence. However, there is lack of basic mechanisms driving such talks. They are often a response to day-to-day issues without a clear strategic outlook. Questions arise as to the continued detention of HAMAS figures, despite the freeze of military attacks and Israel's refusal to implement agreed-upon accords.

No step was taken to define the legal situation of the election process, although the expiry of the interim phase ends the constitutional term of the Presidency and the Legislative Council. Elections are the practical expression of democracy. Questions arise concerning the future of Palestinian democracy in light of continued postponement of deadlines. Another negative indication is the lack of elections to municipal councils for the last 24 years.

The judiciary and the rule of law: A high level committee to draft the Palestinian constitution was formed. However, there were serious flaws that included the President's approval of two death sentences in order to calm popular anger. This contravened the basic processes of justice that require providing sufficient time for defense, especially when the matter concerns a death sentence, which is irreversible.

Furthermore, the President appointed the Attorney General after many months of keeping the job vacant. He also appointed the Chief Judge, which was a step in the right direction.

The President also approved sets of legislation that were passed by the Legislative Council proceedings.

The President of the PNA has ordered the transfer of all criminal economic matters to the State Security Court. At the same time, he approved the decisions of the court, especially in cases of tax and supply abuses.

However, there are basic requirements that have not been implemented. There are no indications for holding municipal council elections. No note was taken of the legal expiry in the term of Presidential and Legislative elections or

measures to rectify its legality by extending its mandate. Despite popular criticism, economic monopolies continue operating. No serious effort was done to encourage internal investment and deal with the high level of unemployment.

The President has been downplaying the reports of the General Control Bureau as a result of the strong reaction evoked by the previous report. However, the general controller has declared that the new report is under preparation.

The President has also approved the formation of an administrative committee to improve and bolster performance of state institutions. The report of the committee, which came as a result of international experts' assessment of the performance of the PNA, is to be presented to the Council of Ministers for approval. The assessment had underlined lack of proper monitoring mechanisms, weakness of the judicial system, not transferring all state income to the treasury, inflation of the public sector, weak administration and the redundancy of competing security institutions.

Strengths

1. President Yasser Arafat is the symbol of the Palestinian cause. He has been at the core of the struggle for over three decades. Under his leadership, the Palestinian issue survived against all odds.
2. President Arafat has a high level of political shrewdness and an indefatigable potential for hard work. Undoubtedly, he is a master of public relations. His close contacts with most world leaders have been put in the service of developing Palestinian positions.
3. Three elements reflect Arafat's high credibility among Palestinians.
 - i) Acceptance of all factions of Arafat's chairmanship of the PLO.
 - ii) His election with a wide margin as the President of the PNA.
 - iii) General popular acceptance of his decisions, especially political decisions.
4. The three above-mentioned factors have resulted in Arafat's emergence as a strong leader capable of taking crucial historic decisions. He thus became a central actor to be reckoned and a partner capable of taking, implementing and sticking to accords.
5. President Arafat's personality became familiar and enjoys the confidence of the Palestinian people, providing popular comfort and internal stability without major fluctuations within Palestinian society.
6. Establishing administrative structures as well as symbols of sovereignty as a prelude of exercising proper sovereignty within the means available means.
7. There is a clear orientation towards administrative reform in state institutions as reflected through the committee of administrative reform as well as the formation of the Higher Committee for Development.

Weaknesses

1. President Arafat's awareness of the elements of his strength has pushed him to contravene the law on many occasions. The concentration of power in his hands could hold him as running the one party or one-man system.
2. The President's belief that every phase has its priorities leads him to connive on the behavior of his associates. The fact that he considers the functions performed by his associates as more important than behavioral patterns undermines the principle of accountability, transparency and the supremacy of law. This sets a precedent to violate the law at other levels.
3. In light of the complexity of the Palestinian situation due to the nature of the interim period, there are no clear division lines between the functions required by the PNA and its management headed by Arafat and the national functions of the PLO, also headed by him. Assuming the role of the Chief Commander of Palestinian forces means that his priorities do not agree necessarily with the priorities of the PNA.

While the general outlook expects the PNA to be run along efficient administrative methods, President Arafat views such an administration as only one component of the general Palestinian struggle. This disparity in outlook makes it difficult to explain administrative flaws internally or externally, especially with donor countries.

4. President Arafat's astuteness is a two-thronged sword. It involves a courtesy that undermines proper administration. This is why the President never gets rid of his assistants or ministers, even when they are unable to work. High position assignments do not end except by resignation or death.
5. While trying to boost the prestige of the PNA, there are often excesses that lead to negative results.
6. There are cases of laxity and lack of firmness in dealing with the political situation such as Israeli procrastination and settlement plans, especially in Jerusalem and its surroundings.
7. Concentrating power in the hand of the President at the expense of the rule of law.
8. Ignoring democratic procedures, especially in the areas of elections, separation of powers and the rule of law.

1.1.2 The Government

The third Palestinian government formed in March 1998 is composed of 27 ministers running 25 ministries. There are 4 new ministries that are less than one year old: Ministry of Jerusalem affairs, Ministry of NGO affairs, Ministry of Environment, and Ministry of Parliamentary Affairs. President Arafat assumes 4 other ministries: Interior, Education, Religious Affairs, "Awqaf" and Youth & Sports². None of the ministers hold a Jerusalem residence permit or reside in the city. 23 out of 26 ministers are members of the PLC. This contradicts with the Palestinian elections' law. Having no prime minister, it is the office of the General Secretary of the Council of Ministers that fills the administrative and coordination matters among various ministries. The cabinet meets weekly in the name of the "leadership" headed by President Arafat in his capacity as Chairman of the Executive Committee of the PLO, President of the PNA and also as Chief Commander. In addition to ministers, the speakers of the PNC and the PLC participate, as well as some heads of the security institutions, ex-ministers and some members of PLO's Executive Committee. Occasionally, other people heading certain departments are invited to attend.

Such a structure with varying references and responsibilities has one point in common, which is dealing with the political settlement and its ramifications. Considering this structure temporary and linked to the unstable transitional phase of the general Palestinian situation leads to the conclusion that this temporary setup will become permanent as a result of the expiry of the interim period.

Critical observers of such a floating structure lacking clear points of reference view it as merely a consultative body assisting the President in taking decisions in his multi-dimensional tasks. It is a system concentrating authority absolutely in the President. Some justify this as a step required in the political settlement, claiming that relations with Israel and inner reconstruction are too delicate to divide authority in separate structures.

There is widespread criticism of this form of rule that does not separate powers. Although there are legislative and judicial authorities, it is only the President who actually calls the shots.

Despite discontent related to the formation of the new cabinet and concern about corruption charges alleged to previous ministers, various ministries have intensified their work to fulfill its duties. However, they are restrained by

² For more details see appendix #1

limited budgets and lack of proper managerial staff*. There is also a lack of clarity in their responsibilities within an uncertain political framework. Furthermore, geographic dispersal aggravates matters. There is no clear division of roles or group responsibility. In spite of all these restrictions, there have been achievements with varying degrees that have been summarized in regular reports. The fact that the Council of Ministers' Secretariat General publishes an annual report summing up the performance of all ministries and public institutions is a positive development.

In evaluating the performance of the PNA, it is pertinent to connect matters with the financial situation of the Authority. There are serious problems and obstacles affecting performance. Budget figures indicate that total expenditure amounts to \$940 million of which 35% is earmarked for security and police. Such a figure is exaggerated and does not fit into the functions performed by the security institutions or the needs of an emerging entity.

In contrast to services provided by ministries, health, education and welfare constitute 34% of the budget. The treasury is allocated 11.5% and the Presidency 6%.

The total for the remaining 22 ministries covers 14.7% of total expenditure. This is a total of \$140 million, with the average of \$6 million per ministry. Salaries and the operational budget is estimated at \$745 million, which is 75% of total expenditure. This means that sums earmarked for each ministry for services does not exceed \$1.5 million. When the 30 or more official departments are included, the amount shrinks to less than \$100 million.

The budget includes amounts that are not entitled to the government. This includes \$10 million, which is the share of local institutions coming from fees and traffic violations. Added to that is \$28 million (5%) that is deducted from personnel salaries, in addition to health insurance fees. Such reductions have an effect on the level of services provided by municipalities and local councils, as well as the living levels of salaried employees.

Among the prominent issues affecting the ministries and government departments are the following:

* The Center for Citizens' Rights has followed up 243 complaints with various ministries that responded positively with most written queries.

1. Health and general safety services

The declaration of the **Ministry of Health** about the existence of a serious financial crisis that could expose the public to danger as a result of lack of medicine and pharmaceutical products was a serious warning to the deteriorating conditions in the health sector. This has evoked serious concerns regarding the pathetic condition of public hospitals. The finance minister has criticized unjustifiable expenses that constitute part of the problem in the health sector.

Doctors and employees in the Palestinian **Health Ministry** and members of the nursing and medical services have declared an open strike calling for salary increases.

On the other hand, the Ministry of Health inaugurated in Jericho a central hospital to cater to the West Bank, as well as a heart surgery unit in Al Shifa hospital in Gaza, heralding a new phase of medicine in Palestine. The General Administration of Health Insurance in the PNA has introduced a system of linking all West Bank governorates with a central computer system in order to facilitate routine information facing the insured.

Regarding internal achievements, the Minister of Health has declared that transfers to Israeli hospitals were reduced by 10%. He also announced a deal with the Egyptian Ministry of Health to transfer special cases.

The Director General of the Ministry of Health in Palestine has declared that Palestine is free of polio, following the campaign to vaccinate 500,000 children in 1995 (95-97% of the total number of children). Due to some cases of measles, the ministry has conducted a campaign to vaccinate children aged 3-6 in all areas of the West Bank.

Regarding health insurance, the Ministry of Health has issued regulations specifying insurance fees in all cases. All insurance procedures have become regulated based on the Palestinian Public Insurance System*.

The **Ministry of Supplies** has pursued its policy to confiscate inadequate food products. It warned merchants dealing with expired products calling for sticking to Palestinian standards and honoring regulations imposed by the Ministry regarding stocking and exposing prices of items of goods on sale.

* The Ministry of Health responded to complaint no. S/11/22/1936 dated 23/5/99 concerning monthly health insurance fees of a University student.

The annual report of the Ministry of Supplies has revealed that 4236 tons of food products were held during the last year in various areas, either for being unfit for use or for not meeting required standards. 1452 tons were destroyed, while the rest was returned to the source. The report also showed that control officers have conducted 5124 control checks. This resulted in prosecuting 286 merchants for not abiding by the Ministry regulations.

The **Minister of Environment** declared that Israeli settlements are a main source to sneak dangerous chemical products into areas under PNA control in Gaza Strip, calling for taking adequate measures to prevent such practices.

On the same issue, the Minister of Environment has met with his Israeli counterpart to discuss environmental issues, including the negative impact of settlements on Palestinian environment and the means of clearing dangerous waste out of Palestinian areas. A preliminary agreement was reached to organize joint patrols to pursue environmental violators.

The Ministry of Environment, in coordination with the Ministry of Health, has undertaken legal procedures against violators leaking wastewater, in an arbitrary manner on roads and agriculture lands. Clearly leaking wastewater into water springs leads to a serious pollution of drinking and irrigation water.

The Ministry of Health declared that the solution for the pollution of spring water lies in establishing a general network for collecting and treating wastewater*.

The **Minister of Trade and Commerce** has appealed to all peace-loving parties and the international community to boycott agricultural, industrial and commercial products of Israeli settlements. He pointed out that settlements are centers to promote polluted goods into the Palestinian areas.

The **Ministry of Social Affairs** has worked to provide social services based on the guidelines endorsed by the Ministry.

As for supporting families of prisoners held by the PNA, the policy is to deal with such cases as regular social problems. Each case is studied by social welfare bureaus to assess needed social aid based on the regulations issued by the Ministry. The Ministry has declared that families of 62 cases of detainees in the PNA receive aid*.

* The Ministry of Health responded to complaint no. 220/433 dated March 1, 1999 concerning the digging of absorption holes in Silet Al Thaher village.

* The Ministry of Social Affairs response to the complaint of the Citizens' Rights Center dated Feb 14, 1999 concerning political prisoners held in PNA jails.

The Ministry is in the process of preparing a project of issuing a special card to the handicapped, involving a package of services that the PNA will provide to this category.

The **Ministry of Labor** has issued two annual reports. The first dealt with the general investigation in Gaza revealing that four workers died, 387 were wounded and 138 firms were shut down in Gaza. The second exposed Israeli practices against Palestinian workers in the West Bank in 1998. It revealed the wounding of 6 workers in work-related accidents and another 105 workers beaten up at Israeli roadblocks or within the green line. The report also revealed that there were 24 days of closure in the West Bank and Gaza, in addition to 28 partial closure days*.

To provide the minimum level of public safety in private and public vehicles, the Ministry of Transport has limited the number of vehicles that may be purchased from Israel*.

The **Ministry of Agriculture** focused on the consumption of illegal pesticides in the Palestinian market.

2. Educational services

There are around one million students in the Palestinian areas spread in 1300 schools with 24,000 classrooms. Annually, there are 60,000 new students taught by approximately 40,000 teachers. This constitutes one teacher for every 25 students. Taking into consideration the number of classes, there is a severe shortage in the number of teachers.

To deal with such a shortage in the infrastructures and schools, donor countries provide \$130 million annually to build new schools. In addition, there are Palestinian and local initiatives to deal with this matter.

* Workshop held by the A.T.F on Feb.22, 99 on the theme: "Role & needs of Trade Unions in Palestine". The Minister of Labor stressed the need to introduce a modern, just labor law that would guarantee the rights of both workers and employers. He mentioned that the Ministry is not a substitute to any part but a partner for the common interest in facilitating communication between both parties. The workshop recommended postponing the discussion of the labor bill through the second reading in the PLC to allow workers, employers & NGO's making an input. It recommended the establishment of an active consultative Council with representatives of the three bodies and taking measures to protect national products from unfair competition with products from abroad that has led to the bankruptcy of several companies, thus harming the workers.

* In response to the Citizens' Rights query #26/SCT/99 dated the 13 October 1999, the Ministry of Transport & Communication (Licensing Dept), the following standards were set for vehicles purchased in Israel: Agricultural tractors not older than 15 years, trucks not older than 7 years with an over-all 4.5 tons capacity, taxis requiring approval of vehicle inspectors for old cars, replaced by ones that are not older than 4 years. As for buses, the Ministry, in a step to update public transport, requires regular inspection and specifies bus models that could run on the roads according to circulars issued by the Ministry of Transport in this respect.

To cope with needs of absorbing the increasing number of students, the Ministry of Education has announced a plan to build 28 new schools in various areas of the West Bank. It set new guidelines for the appointment of teachers starting from the year 2003.

The Ministry has also announced a five-year plan that includes increasing the number of schools for girls, catering to the needs of the handicapped and introducing Palestinian curricula together with raising the educational level, teaching languages, increasing computer centers and scientific labs.

It should be noted that school curricula in the West Bank and the Gaza Strip is still not unified. While there is a dire need to unify the educational system and modernize it, it is absolutely important to set a system focusing on a democratic value system free from Israel's dictates.

In a new step, the Director General of the Ministry of Education has announced the formation of a general council that would set the general policy and evaluate the educational situation following comprehensive reports presented by the General Administration and education departments.

The Ministry announced a policy to increase programs for literacy and adult education. This involved doubling such centers in 32 locations capable of catering to 1400 students in 1999.

In the domain of higher education, there are eight Palestinian universities, three community colleges and six government colleges with a total of 70,000 students. Currently, there are 3500 individuals working in these institutes, of which 1700 are academic staff.

The severe academic crisis confronting Palestinian universities has had a negative impact on the educational situation. It has involved delays in the payment of salaries and disruption of work as a result of strikes and the lack of incentives. The financial crisis in Palestinian universities is a result of the European community's freezing of support and the lack of university fees to cover operational expenses*.

* In a seminar held by the Arab Thought Forum on the 21 October 98, the Minister for Higher Education defined the priorities concerning vocational training, medical school and university fees, as well as the bases of setting and developing university standards. Participants discussed the severe financial crisis facing universities in Palestine that could lead to the closure of some universities and confine education to upper classes.

3. Infrastructure

Infrastructure projects are conducted through several programs supervised by a number of ministries and institutions. In spite of the decrease in the amounts provided by donor countries to the PNA and the fact that delivered amounts do not cover more than half of the amounts pledged, these donations are the central source for financing developmental and infrastructure projects. Amounts earmarked for infrastructure services were \$132, \$138 and \$111 million for the years 1996, 1997, and 1998. For the middle half of 1999, the amount was \$93.7 million⁴.

Projects for water and sewage constituted the major part of these projects (around 14%) followed by energy – 4%, roads and transport – 3%, communication – 0.5%. The rest was distributed throughout various sectors.

The **Ministry of Planning and International Cooperation** coordinates the deals and agreements with donor countries for such projects. The implementation is done either through PECDAR that carries projects to the tune of \$25 million⁵ annually, primarily in the fields of local councils, education and health, or directly through ministries. Part of the projects approved by donor countries is implemented through UN agencies, especially UNDP, and the World Bank. Other countries deal with special agencies such as US support, which is channeled through USAID.

The **Minister of Planning and International Cooperation** has signed a number of accords to implement projects related to infrastructure in the West Bank and Gaza, including a project to desalinate water in the Gaza Strip and projects dealing with wastewater treatment in the West Bank. Donor countries have renewed their pledge to support the PNA's development projects during the meeting of the advisory council in February 1999, involving support of \$770 million for the year 1999.

The **Ministry of Housing** has approved a project to build more than 200,000 residential units to cover needs. The Minister has denied press reports claiming that the Ministry and the Council of Housing have not been following transparent policies in some of the projects financed by the European Union.

The **Ministry of Public Works** in coordination with PECDAR has been involved in a number of projects paving the roads between Palestinian towns and villages. A number of roads in dire need of paving are still scheduled to be implemented through the European Investment Bank with PECDAR.

⁴ Additional details are provided in this Report concerning aid from Donor Countries in the section dealing with the general budget and the economic situation.

⁵ The number is extracted from news releases of PECDAR.

Follow-up of the work of the Ministry requires the availability of financial support*.

The **Water Authority** has issued a special guide summarizing projects for water networks to be presented to public institutions for endorsement in carrying out projects. The Authority is currently carrying out a project to improve water services and wastewater in the Gaza Strip. The plan includes digging for wells to provide water in areas facing shortage. Plans are under way to establish a water company in Gaza. The Authority has operated well number 11 in the village of Sa'ir in the Hebron district as a step to solve the water crisis in that area by the year 2002. Additional wells are planned to be dug within the first phase of a project supported by the US.

The **Ministry of Agriculture** has proceeded in its plan to plant a million trees. This is an important project to confront Israel's policy of uprooting trees. The Ministry is also addressing infrastructure issues, work force, securing of water and animal resources while trying to overcome obstacles involved in agricultural trade with foreign countries.

The Ministry has concluded filing a comprehensive report related to the draught. The report was presented to the municipal council and the donor countries seeking to secure assistance needed in overcoming the crisis.

The issue of draught brings forward the need to establish a compensation fund for natural disasters. Officials of the Ministry of Agriculture have informed the Arab Thought Forum that a project to establish such a fund is underway. There is a dire need to establish such a fund and create mechanisms that would ensure against natural disasters, which is not currently the case.

The **Ministry of Tourism** has initiated a campaign to protect Palestinian heritage and archaeology from Israeli assaults. As for "**Bethlehem 2000**", the project is ongoing. Although there were lots of complaints concerning delays in carrying out projects, most of the infrastructure plans were carried out in preparation for the third millennium and the visit of his holiness the Pope in March 2000.

The **Ministry of Communication** is intensively involved in developing the Palestinian communication network. During the meeting of the international conference of communication, a special international code (970) for Palestine was approved. The Ministry is working hard to separate from the Israeli network. An independent Palestinian network for mobile phones (*Jawwal*) was established using the international code 00423.

* Response of Ministry of Public Works to query # ad/1139/99 dated 9.10.99 of C.R.C concerning the pavement of the main entrance to Nazla Sharqia village.

Instead of depending on radio channels provided by Israel, the Ministry has succeeded in getting the approval for operating radio communication through the International Union of Communication. This is an important step in operating the Palestinian international chain assigned to PAL TEL Company.

As for Palestinian postal services, poor performance was identified both at the level of services and equipment⁶.

In a special step, the Ministry of Communication has endorsed a telephone tariff totally independent from the Israeli system. It announced a 35% decrease in local and international calls. This measure, coupled with endorsing a special international code for Palestine and the operation of the *Jawwal* mobile service system, constitutes important steps towards Palestinian independence and sovereignty.

4. Economy and financing

The gross national income of the Palestinian territories (excluding Jerusalem) for the year 1998 amounted to \$5445 million. Of this, \$4484 million was the gross local product. Per capita, income for the same period was 2037 dollars in the West Bank, (excluding Jerusalem), and 1546 dollars in the Gaza Strip. Actual gross national income, including external transfers and aid, raised the per capita to \$2169; \$1678 in the West Bank and Gaza respectively. This represents 6.5% in the West Bank and 8.5% in the Gaza Strip, reflecting the minimalist role played by external aid in raising the standards of living⁷.

In the period between June 1998 and June 1999, 47 000 new jobs were created, thus lowering unemployment rates. Six out of ten jobs centered in the Palestinian market, the remainder in Israel. The Palestinian private sector generated 75% of the local jobs⁸.

The Ministry of Planning and International Cooperation held a conference in conjunction with the national team for combating poverty and presented a report indicating that 25% live below the poverty level. The average monthly income of a family of six was 1390 New Israeli Shekels (NIS) in the West Bank and 1140 NIS in the Gaza Strip. Following the signature of the Wye accords and the ensuing conference of the donor countries, the Ministry amended the 3-year Palestinian development plan in line with the new pledges. The plan will be presented for discussion at the national level.

⁶ Officials of the Ministry of Transport informed the A.T.F that it is working to rectify the matter.

⁷ General trends of Palestinian national accounts for the year 1998, as published in the Dec.99 reports of the Central Bureau of Statistics.

⁸ Report on the Palestinian Economy Office of the United Nations Special Coordinator, Autumn 1999.

The Ministry of Industry stressed its support for local industry and products, creating new markets, controlling imports and coordinating with the Ministry of Finance to raise customs on imports to protect local industry. However, local producers complain of severe damage resulting from monopolies drowning the local market with competitive products.

The Ministry has called upon local producers to meet safety standards. The Minister has issued 40 licenses for industrial firms that have met the legally required conditions. Problems facing the industrial sector were discussed with the means to overcome them*.

The **Minister of Economy** met his Israeli counterpart to follow up on the deliberations of the joint economic committee that was frozen for 2 years. The Palestinian side requested refunds of taxes imposed on goods imported through Israeli ports. The issue of establishing industrial zones, which was frozen during the term of the previous Israeli government, was also discussed as well as duplication of taxes, particularly affecting Jerusalem residents.

The Ministry approved 13 investment projects in the industrial, agricultural and health sectors, creating 224 job opportunities.

The Palestinian **Monetary Authority** has issued its fourth-annual report covering 1998. It covered measures taken to rectify the economy distorted under the Israeli occupation from a legislative, institutional, organizational and financial aspect as well as relations developed with financial and monetary institutions at the Arab, regional and international levels.

The report includes legislative regulations related to the Monetary Authority, banking, foreign currency exchange, investment companies, loaning, and deposit institutions. The report also indicates an expansion of the Authority's operation, with a three-fold increase in the staff supervising banks and conducting research as well as dealing with financial and administrative activities.

The assets of the Palestinian Monetary Authority have increased by \$27 million, reaching \$295 million at the end of 1998.

The Authority supervises the operation of 22 banks with 108 branches. In June 1999, bank deposits amounted to \$2616 million – an increase of 25% over the previous year. A total of \$879 million in loans were granted by banks during the same period. It is estimated that 57% of total deposits are invested outside Palestine. The break-up of loans involved \$543 million for the

* There are complaints for having industrial areas within residential zones causing health and environmental hazards. The Arab Thought Forum received letters concerning the industrial areas in Al Bireh and Hebron, where residences are erected close to factories with no separation lines to avoid industrial pollution. Some houses are actually within the industrial areas.

business sector, 80 million for economic services and 245 million for commercial activities.

The crisis involving the Palestine International Bank indicated that, although loans are minimal in contrast to deposits, a great portion of credits are invested abroad.

The regular publication of annual and monthly reports by the Authority reflects a standard of efficiency, especially in light of its containing elaborate explanations, information and statistics related to Palestinian economic and monetary matters⁹.

The Governor of the Monetary Authority has announced that the feasibility study concerning the establishment of a Housing and Development Bank has been completed. This is a project involving capital from various sources of the PNA and banks with the purpose of providing loans for adequate housing and various developmental activities. Priority is for housing loans.

The "Palestine International Bank" faced a crisis that resulted in the PNA's taking over management of the bank. While statements by the PNA stress that such a step was necessary, the way in which the matter was exacerbated has raised questions concerning investment in Palestine.

The Ministry of Civil Affairs has received approval for granting permanent residence permits to 39 investors with their families. The number of other returnees has been extremely limited compared to the numbers requesting return*.

The Palestinian Central Bureau of Statistics has published the final results of the population and housing census conducted in 1998. The results were published in two reports covering the West Bank, Gaza Strip and Palestinian territories.

The Department has issued 78 other reports during 1999 and 36 varying surveys. With a budget of less than \$4 million, the Central Bureau of Statistics has managed to produce comprehensive information, setting the basis for proper planning and management. The Bureau held a special conference on statistics involving Palestinian children that constitute a significant segment of the population.

⁹ For more detail go to the 4th annual report 1998, Research and Policy Department, Palestinian Monetary Authority.

* In a special meeting that the Arab Thought Forum held over the matter with the Minister for Civil Affairs, it was revealed that there were a number of obstacles concerning family reunion cases since the Israeli side is not abiding by the agreement signed with the PNA.

The 13th report on the work force survey indicated that unemployment¹⁰ in the Palestinian territories is 12.8% (9.5% in the WB and 17.4% in Gaza). 63,000 children are working in the Palestinian job market. This constitutes 6.2% of total children aged 5 -17 years old. 45% of working children are deprived from schooling.

The Palestinian Minister of Labor has held meetings with the General Union of Workers and syndicate leaders. The purpose was to propose a draft of a labor law to the PLC. They discussed ways and means to curb unemployment.

The General budget of the PNA:

For the first time, the Ministry of Finance presented its budgetary plan¹¹ to the PLC on time on 14 November 1999. This is an important development since the fiscal year 1999 started without an approved budget. During that year, the PLC approved the budget with a delay of 7 months. The total budget for the year 2000 is \$1367 million, with a \$228 million increase from the previous year. Local income is to reach \$964 million (\$63 million more than the previous year). Value Added Tax comprises \$440 million of the amount. \$80 million are revenues from income tax and \$326 million customs. Non-tax revenues yield \$116 million.

Current expenditure is estimated at \$940 million, 13 million less than the former year. Developmental expenses financed by the treasury amount to \$24 million.

Salaries and wages consume \$562 million, with a \$7 million increase from 1999. Operational expenses are set at \$183 million, \$15 million less than the previous year. Expenses transferred amount to \$181 million, \$12 million more than 1999. Capital expenses are \$15 million.

Expenditure is divided among five principal sectors: police and security 35%, education 18%, health 9.5%, the presidency 6%, social affairs 5.5%, ministry of finance 11.5%. All other ministries and associations share the remaining 14.7%¹².

¹⁰ Central Bureau of Statistics, survey of Labor Force #13, November 1999.

¹¹ The PLC approved the budget before the end of January 2000.

¹² Report of the PLC's Budget Committee.

Table (1):
Summary of the General Budget 1997-2000 (in millions of dollars)¹³

ITEM	1997	1998	1999	2000
General revenues	953.61	1083.8	1136.21	1363.86
Local revenues	683.92	753.73	901.21	963.86
Grants and Aid	269.69	330.07	235	400
Public expenditure	1113.02	1193.54	1194.35	1363.86
Current expenditure	789.86	852.81	953.10	940.17
Developmental expenditure	323.16	340.73	241.25	423.70
Deficit	159.42	109.74	58.014	Zero

It is important to note that revenues do not include income derived from income-generating public institutions conducting productive, service or commercial operations. The PLC had requested the inclusion of such revenues in previous budgets. Total general revenues for the year 2000 are estimated at \$1385 million of which 70% are local revenues. This is 70% more than last year as a result of increase in customs and Value Added Tax.

The amount of external aid to finance development projects comprises \$ 422 million of the budget until the end of September 1999. Of the \$407 million pledged, \$268 million were paid. The actual external aid delivered in 1999 was \$250 million, 47.5% of the total sum pledged by donor countries. In 1999¹⁴, \$637 million were pledged. Only \$360 million (56%)¹⁵ were actually received. The development budget attached to the general budget lacks an over-all outlook and clarity of orientation. It is merely various projects stranded in different areas without general investment plans¹⁶. The growing amount of external debts raises serious concern for future development. Interest rate dues attached to foreign debts constitute a burden equaling 16.2% of the total local product. This is a serious trend considering the short time-span that it took to accumulate (1994-98). Until 1998, external debts stood at \$52 million. No information is available as to where the figure stands in 1999.

The division of aid from donor countries was divided along the following sectors (in millions of dollars): Water and sewage 94.5, institutional development 24.2, health 20.7, infrastructure 20, transport and communication 21.6, education 17.4.

¹³ PLC Journal, #1, 2000.

¹⁴ Report on the Palestinian Economy, *ibid*.

¹⁵ MOPIC'S 1999 Third Quarterly Monitoring Report on Donors' Assistance.

¹⁶ Palestinian Economic Policy Research Institute (MAS), Economic Watch, February 2000.

General investment had the lion share of actual aid constituting \$127 million. The second item of aid was called technical assistance amounting \$53.4 million. Obviously, this is a very large amount ear-marked to a limited number of international and local experts. Since 1994, the total amount paid for technical assistance reached \$494 million. This constitutes 20% of the total amounts paid¹⁷.

Between 1994 and September 1999, donor countries pledged to pay a total of \$5.65 billion, expressed commitment to \$4.04 billion, but what was actually delivered amounts to only \$2.61 billion. This is due to one of two reasons: Either Palestinian institutions were unable to use available funds, or that donor countries did not transfer the promised amounts. However, one may detect a regular trend showing failure of actual delivery throughout the period. In 1994-95, 64% of committed amounts were actually paid. In 1996, 66%. In 1997, 77%. In 1998, only 57%. And in 1999, 65%.

**Table (2):
Distribution of pledged aid on various sectors 1994-Sept.99
(In millions of dollars)¹⁸**

Sector	Amount	Percentage	Sector	Amount	Percentage
Water & sewage treatment	381		Agriculture	49	
Education Institution bldg.	330		Hard Waste	30	
Health	281		Detainees & Returnees	28	
Infrastructure	208		Tourist & Cultural resources	26	
Housing	125		Industrial development	21	
Democratic development	93		Woman	13	
Police & Security	92		Environment	10	
Transport	91		Private sector	9	
Productive sector	90		Child care	6	
Humanitarian aid	81		Communication	4	
Social & Human development	81		Judicial affairs	3	
Energy	63		Other sectors	23	
	56		Inter-lapping sectors	386	
Total				4040	

¹⁷ MOPIC's 1999 Third Quarterly Report, *ibid.*

¹⁸ MOPIC's 1999 Third Quarterly Report, *ibid.*

As far as investment is concerned, 236 new companies were registered during 1999 – an increase of 35% over the previous year. 82% of these companies were registered in the Gaza Strip. With the exception of one public and another foreign company, all these firms are regular or private shareholding companies. This indicates that private and foreign investment in the Palestinian territories is quite limited¹⁹.

Approved amounts for investment projects in 1999 reached \$107 million. Foreign investment constitutes only \$15 million of that amount.

The Finance Ministry recently faced problems of liquidity. This was largely a result of transferring tax revenues to accounts outside the control of the Ministry. This caused a deficit of \$48 million in June 1999.

The fiscal outlook for 1999 was further aggravated in light of actual expenditure surpassing the budget. This is a result of lack of control in hiring people in the public sector. The implementation of the civil service law will also raise salary payments. The budget for 1999 included an item whereby the PNA will invest a capital of \$50 million. The Ministry has taken a decision to lower taxes in order to foster investment and ease the tax burden on low-income earners.

5. Freedom of thought and expression

Compared to surrounding countries, the level of freedom of thought and expression in the Palestinian territories is considered relatively high. This could be observed through the broad spectrum of conferences and seminars and the relative freedom of publication. There are no restrictions on import and publication of literature and there is a wide network of private broadcasting and TV stations. However, this freedom is not absolute. The section covering the media in this report will pinpoint the actual obstacles.

The Ministry of Information has issued a statement condemning the closure of local TV and broadcasting stations by security forces for coverage of pro-Iraqi demonstrations during the US attacks.

The **Minister of Culture and Information** has met with the monitoring and human rights committee of the PLC in order to discuss attacks on journalists and closing down local TV stations. He stressed that the Ministry is eager to foster good relations with all media sectors while stressing the rule of law.

¹⁹ Report of the Special Coordinator Office, Ibid.

For the second year running, the **Ministry of Culture** within a special tradition has distributed the awards of Palestine to distinguished achievers in various fields.

In a strong-worded letter, the **Minister of Culture and Information** criticized the BBC for distributing the documentary “The true story- the Authority of Arafat” for being malicious to the PNA. The Ministry of Information issued a circular to all local private broadcasting and TV stations, banning receiving any financial aid or directives from foreign countries based on the print and publication law of 1995. Reports in British papers claiming the misuse of European funds in housing projects proved to be false, indicating that there are attempts to smear Palestinian institutions.

In accordance with item 23 of the Palestinian print and publication law of 1995, the Minister of Culture and Information has cancelled licenses of scores of newspapers and magazines, either for not issuing after six months from granting the license, or for ceasing publication without a legitimate reason. This is a positive step towards regulating and supervising publication procedures.

The Ministry of Interior has banned “The Palestinian National Wafa” party for violating the basic laws upon which the license was granted. The same happened with “Al Wafa” and “Al Amal” societies.

The Director General of the **Waqf and Religious Affairs** announced that the ministry will not censor sermons at mosques or interfere with preachers. However, he said that sermons will be subject to periodic evaluations and preachers will be offered courses to upgrade their performance. The Ministry has re-opened the center of Nabi Moussa for the treatment of drug addicts.

The Director General of the **Ministry of Planning and International Cooperation** declared that all international institutions working within the Palestinian territories are required to be registered at the Ministry, with the exception of the World Bank, the International Committee of the Red Cross and the United Nations agency.

6. Judicial Authority

In line with the special section dealing with the Judicial Authority in this report, the **Minister of Justice** has warned against the dangerous phenomenon of transferring civil cases from civil courts to military or state courts in the Palestinian Judicial System.

The Chairman of the Litigation and Legislation Council has announced the formation of three committees to unify and develop Palestinian laws*. This came after widespread criticism referring to laws transcribed without scrutiny from surrounding countries or focusing on the specificity of the Palestinian situation without upgrading laws to meet modern standards. The number of judges and the legal setup falls quite short of proper requirements in the judicial field.

7. Institutional Performance and Administrative Reform

The new government, including the newly introduced ministries (NGO²⁰, Jerusalem Affairs, Parliamentary Affairs, and Environment) is seeking to lay the cornerstone for its institutionalization. While some ministries are working hard to improve performance, especially after the exposure of violations through monitoring and legislative committees, the **Ministry of Finance** presented the budget for approval by the PLC with a delay of 7 months. There is widespread criticism for the inefficiency of employees in the public sector. Courses to upgrade the managerial skills of such personnel are required.

Flaws and violations in official departments bring to light side issues that detract the Palestinian initiative in obtaining rights from the Israeli government. Proper mechanisms of monitoring and accountability are required within a legally defined setup.

A tiny but influential circle is aware of such a situation and uses the same logic for opposite ends, seeking to achieve personal benefits, since proper accountability is unavailable under the current circumstances. Some influential circles are not aware that the process of national liberation is still ongoing. They behave as if the moment has come to share the booty.

In dealing with corruption reports, the PLC committees have presented the following recommendations and demands:

1. Rescinding the deduction of 5% from employee salaries since it has a negative effect on living standards.
2. Allocating fuel and violation fees to local councils in order to raise the level of services provided.

* For more detail on unifying legislative mechanisms, see proceedings of the seminar held by the Arab Thought Forum on the subject on the 28th of July 1999.

²⁰ Further explanation on civil activities is included in this report under Ministry of Non-Governmental Organizations.

3. Planning annual job structures of ministries and official departments and committing the government and the Ministry of Finance to limit employment inflation and assuring employment professionalism.
4. Enforcing ministries and PNA bodies to abide by accountability procedures subject to specialized monitoring bodies.
5. Regulating import and export permits through the Ministry of Trade and Economy to prevent monopolies and protect local products.
6. Creating mechanisms to overlook usage of state land, including the formation of a committee to manage public and Waqf land in an efficient manner.
7. Concentrating custom revenues with the Ministry of Finance to prevent duplication and overlapping.
8. Review all appointments in leading positions in ministries and state institutions.
9. Controlling and regulating use of public vehicles and allowing the Ministry of Communication to take disciplinary measures, including retrieving vehicles that were transferred to Jordan.
10. Approving all local agreements and financial deals that have a special character which are conducted by the Executive Authority on behalf of the PLC.
11. Formation of specialized committees to supervise and control all bids in state institutions.
12. Specifying and regulating non-tax revenues earned by public companies, whether owned or shared by the PNA.
13. Forming a committee to pursue rights of Palestinian workers in Israeli enterprises.
14. Completing and endorsing the legislation related to the special report prepared by the PLC on issues related to corruption.

In this respect, it is worth referring to the “Rocard”²¹ report issued by the Council on Foreign Relations in June 1999 assessing the performance of the PNA, including recommendations to improve its performance. The report

²¹ Strengthening Palestinian Public Institutions, Council on Foreign Relation (CFR), Independent Task. – Force Report, Chairman, Michel Rocard. Project Director, Henry Siegman, June 1999.

stresses that the evaluation of the performance of the PNA should be based upon realistic considerations and not utopian ones. It noted that the PNA has matched, and sometimes surpassed levels of surrounding countries in income and living standards, especially in four principle fields: Level of services provided, providing financial records, financial accountability, and using international aid. As for the shortcomings and recommendations, we will refer to this in various sections of the report. The report stressed that departments and activities connected to the Presidency should be decentralized. All projects and activities that have a financial character and are not connected with the President's requirements should be handled by the relevant ministries. All public revenues should be channeled through the **Ministry of Finance**.

In an important step, President Arafat issued a decree on 11 August, 1999, calling for the formation of the **Higher National Committee for Administrative Development** to be headed by Doctor Nabil Sha'th, Minister of Planning and International Cooperation. The objectives of the committee were the following:

1. Developing Palestinian public institutions.
2. Following up on all local and international reports related to administrative reform.
3. Presenting reports to the Council of Ministers to discuss steps needed to be taken. The committee has held four meetings on 21-8, 28-8, 15-9, and 28-12, 1999.

In a joint meeting in Brussels on Nov 3, 1999 with the "Rocard" committee formed by the council of foreign relations, a position paper was presented²² on *short-term action plan for the development of the Palestinian Public Institutions*. The paper stressed the following:

1. Defining areas and fields in need of institutional development to increase effectiveness.
2. Forming specified sub-committees to deal with work plans along local and international technical lines.
3. Based on the work of the technical committees and with the approval of the Higher National Committee for Institutional Development (HNCID) were measures to be taken by specific ministries or the Council of Ministers or legislation by the PLC.

The Paper set up a two-month period for each committee to implement work plans. Completion of the first phase of each committee was to be implemented within four months.

²² Higher National Committee for Institutional Development (HNCIP), Position Paper "Short term – action plan for the development of the Palestinian Public Institutions" Coordination Office. November 1999.

The following six sub-committees were formed:

1. The policy and strategy committee that would address basic issues such as the nature of, and character of the future political system, including legislative and municipal elections, pluralism, national political dialogue, constitution and issues of democracy and human rights.
2. The committee of financial reform, which would function in a vertical manner to cover all public institutions and unify administrative procedures of all public institutions, while defining administrative procedures between the Ministry of Finance and various institutions. A system based on proper transparency and accountability endorsing proper administrative procedures is to be adopted.
3. The committee for administrative reform, which is a public committee operating in a horizontal way, focusing on developing structural administration of ministries and public institutions. This committee would specify functions of each position to avoid overlapping and provide job descriptions and methodological organization of government performance.
4. The judicial committee, which operates in a vertical way dealing with issues related to security, internal matters, issues of human rights and independence of the judiciary. It also deals with upgrading the judiciary system and training personnel needed to run the legal system.
5. The committee for the health sector, which also operates in a vertical manner handling financial, administrative and social matters seeking to improve health services in direct coordination with the Ministry of Health. It would set up programs to improve health conditions, including the private sector.
6. The committee of early retirement and end-of-service compensation designed, to devise a standard policy unifying retirement. The committee also sets a policy for early retirement for all those who have served in the political, administrative and security sectors of the PLO and that have been incorporated in the Authority's institutions after 1994. It also includes the establishment of a retirement and end of service fund.
 - A chairman for each committee was appointed together with part-time or full-time local or international advisors.
 - The committees would present concrete proposals and weekly reports to the Higher Council through a special coordinator's office.

- The operational budget of the Higher Council and the subcommittees would be partially covered from the general budget of the PNA, while the fees of advisors would be covered from unspecified external sources. The position paper on the plan for development of public institutions draws its guidelines from:

1. The Palestinian Legislative Council (PLC).
2. The Palestinian General Control Bureau.
3. The “Rocard” report of the Council on Foreign Relations.
4. Report of the World Bank: “Public Expenditure Review”.
5. Related reports of the European Union and USAID.
6. Palestinian public positions reflected in appeals addressed to the National Council.
7. The positive reaction to the formation of the Committee and its functions as reflected in the local press.

The committee has ignored reports published by NGO's. This may be considered as a serious flaw.

Strengths

1. Various ministries and public institutions have developed institutional procedures and present regular reports along modern lines.
2. The Secretariat of the Council of Ministers issued on September 1998 the collection of reports presented by ministries and most public institutions²³.
3. After four years of establishing ministries, the basic foundations of administrative organization were molded and attained a certain degree of stability in services provided.
4. The formation of the Higher National Council for Institutional Development (HNCID) is a positive step, although it is too early to judge the results of its work.

²³ Council of Ministers, Reports 1997-98 & Sept 98. Responding to a question posed by the Arab Thought Forum, Mr. Ahmad Abdel Rahman, Secretary of the Cabinet expressed hope that such reports would keep appearing, although there are some obstacles.

Weaknesses

1. The Council of Ministers still convenes under the name of “meeting of the leadership”. There is no proper mechanism for the work of the Cabinet. Lack of a Prime Minister undermines the work of the government as a collective body overlooking duties assigned to various ministries.
2. The inflated number of ministries. There are tens of ministers and ex-ministers for the same job. At the same time, four ministries have no ministers other than the President (such as the interior and education ministries).
3. Mismanagement and administrative corruption are still reported in a number of ministries and departments at various levels. No follow-up was made to the recommendations of the PLC or other investigation committees. The judicial system was not authorized to deal with such matters.*
4. Several ministries and government bodies operate without a clear-cut definition of its functions, leading to overlapping and often competition undermining short-term and long-term programs in administration.
5. Assigning the right person to the right position is still a verbal slogan that is not implemented on the ground. Appointments are often a result of political considerations.
6. Paying 16% of the total local products as interest for external debts is a serious symptom, especially in light of the short period of setting up the Palestinian administration.
7. The crisis linked to the Palestine International Bank reflected the limited use of bank deposits in local investment. It calls for a greater role to the Monetary Authority.

* The Arab Thought Forum held a special session on the 11th of November 1998 to discuss the work of General Investigation Committees and Mode of Operation. It became clear that almost none of the findings were revealed or published.

December 10, 1999

**Statement Issued by the Council of Palestinian Human Rights Organizations
on the Occasion of the 51st Anniversary
Of the Universal Declaration of Human Rights.**

Today is the 51st anniversary of the historic resolution adopted by the UN General Assembly concerning human rights. The resolution is an embodiment of the highest human and ethical ideals advocated by all religions, major political and intellectual movements since time immemorial.

Throughout, human rights and liberties were at the core of social and political movements experienced by humanity with different creeds, races and beliefs. However, it is only through the Universal Declaration that the over-all human awareness is included, in a comprehensive form, in bringing together the principles that bind human rights and liberties in all countries of the world.

The Universal Declaration represents the common basis of safeguarding the rights and welfare of people. However, after fifty years of declaring the resolution, there are still many people and individuals deprived from their rights.

This includes the rights of the Palestinian people, where hundreds of thousands were forcefully dispersed with the establishment of Israel, around the same time the Declaration was announced.

The Council of Palestinian Human Rights Organization joins the world and all partner organizations in sharing the occasion, hoping that, with the beginning of the third millennium, we will witness an end to the disasters, global, regional and internal wars and strife that the world passed through this century.

Conflict, oppression and strife should come to an end, whether in Chechnya or in Iraq, where children have to pay the price of the unjust blockade.

The Council of Palestinian Human Rights Organizations has undertaken the task of confronting Israeli occupation and practices that still deprive the Palestinian People from basic rights and liberties.

Gross Israeli oppressive violations are ongoing, including the right of movement within the Palestinian areas, as well as access to occupied Jerusalem or the Gaza Strip.

On the other hand, settlers continue to be implanted on Palestinian soil. Six Palestinians were killed in cold blood during the year. There were 18 military orders to confiscate vast areas of land (around 200,000 dunams).

It is senseless that Palestinian Land is wide-open to settlers being imposed by force, in violation of all International conventions, especially the 4th Geneva Convention, at a time when the local population is deprived from the right of housing with denial of building permits in areas targeted for settlement and in Jerusalem. During 1999, 96 houses were demolished (12 in East Jerusalem), depriving 251 persons of shelter (including 126 children).

The Israeli policy of ethnic cleansing persists together with the confiscation of identity cards. Israel's continued denial in recognizing the rights of the Palestinian people is clearly reflected through the announcement of intentions to annex large portions of Palestinian land to Israel, refusal to dismantle settlements and non-abidance by International resolutions, especially the right of return of Palestinian refugees.

The Council of Human Rights Organizations welcomes the PNA's reiteration of the PLO's commitment in the Declaration of Independence during the 19th session of the PNC, to stand by the Universal Declaration of Human Rights.

The Council takes this opportunity to call upon the PNA to honor its pledge and apply, on the ground, the practice of liberties.

Harassment of people expressing freedom of thought and expression should cease together with arbitrary detentions and all political prisoners should be released.

The existence of the Higher State Security Court is in clear violation of the Universal Declaration of Human Rights and should be abolished and replaced by regular courts.

1.1.3 Security Institutions

The Security Institutions constitute a basic component of the system of government in Palestine. They fall directly under the command of President Arafat in his capacity as General Commander, as well as Minister of Interior. Arafat's concern for these institutions keeps them above accountability from other authorities.

The functions of the Palestinian Security Institutions involve the following:

1. Keeping Palestinian security commitments as agreed upon in political accords.
2. Maintaining internal security and stability.
3. Imposing the prestige of the PNA.
4. Handling regular functions in crossing points, civil defense and other protocol and administrative duties.
5. Running the military and state court systems.
6. Protecting the internal Palestinian front from disasters, wars, and providing civil defense.

Concerning the first function, the Security Institutions fulfill their obligations and do not allow the emergence of any rival force. A serious point of friction between state institutions and other Palestinian forces opposed to the Oslo Accords is that the latter demand the right of action since national liberation has not been achieved.

After signing the Wye accords, the Security Institutions waged a campaign to round up political opponents to the accords. Such political detentions are alarming. Following the Sharm el Sheikh accord in September 1999, 47 individuals were detained.

Things become even more complicated with Israel's resorting to collective punishment following HAMAS attacks. "Reciprocity" and "preventing incitement", as defined by the Israelis involves political detentions that are contrary to human rights.

The Security Institutions have proved their effectiveness in matters of **Internal Security**. There is a remarkable improvement at the level of public security. On the other hand, security agencies have interfered seriously in a manner

undermining freedom of thought and expression. This has included shutting down several broadcasting and TV stations, banning peaceful marches, harassing and beating up members of the PLC and the PNC. There were cases of detention of journalists and photographers and confiscating their films. A number of press centers in Nablus, Ramallah, Bethlehem and Gaza were shut down. Such measures were justified as measures to expose sources seeking to defame the Authority. A peaceful demonstration in Nablus, in solidarity with Palestinian detainees in Israeli prisons was suppressed by force, as well as another protest at Jneid prison. The "Rocard" report provided six recommendations related to security institutions. The most important was to place them under a clear civil authority that could supervise its activity through the PLC. Measures should be taken to prevent security institutions from collecting funds or conducting commercial activities that are not stipulated in basic laws.

While any authority needs measures to enhance its **prestige**, there were often unnecessary measures taken, undermining rather than boosting the prestige of the Authority. These were cases involving beating up members of the PLC, detentions or home arrests of individuals who expressed positions unpalatable to the Authority. In such cases, it is necessary to resort to the rule of law. That would not only boost the prestige of the system, but would also enhance credibility and respectability. A case in question in this respect is what was referred to as the "declaration of the 20".

Reactions following the declaration included physical assault against three citizens for expressing their opinion. The attack against Hanan Elmasu on 11 December 1999 by unknown assailants, who pelted her with stones for her work in Human Rights in Birzeit University, left her unconscious for several hours. Dr Mu'awiyah el Masri, member of the PLC, was shot at by three masked elements on his way home on 1 December 1999, suffering an injury in his left leg, as a result of his signing a statement criticizing corruption in the PNA. On 16 December 1999, during a peaceful protest in front of the Mukhabarat (General Intelligence) building in Jericho, Abdel Jawad Saleh, an ex-minister and member of the PLC, was beaten up inside and thrown out in a humiliating manner. While senior intelligence sources deny the incident, other sources claim that there was a clash in which both parties assailed each other. Lack of clarity about what actually happened with precedents of beating up PLC members creates an atmosphere of mistrust.

In another similar incident, members of the military intelligence department assaulted FATAH offices in Ramallah, claiming that they were looking for weapons. They smashed furniture. The incident evoked widespread demonstrations and resulted in the killing of Wassim Tarifi. President Arafat ordered the formation of a speedy military court to punish the perpetrators.

Human Rights organizations have reported cases of repeated physical torture of both political and civil detainees. Mohammed Shreiteh of Yatta was killed as a result of torture on 4 October 1999, six days after his detention. There were cases of detaining juveniles on the basis of political background, such as the detention of 15 year-old Bilal Alghoul for 20 days, following his father's escape from prison. Despite the official PNA position against torture and the claims that these are isolated incidents or mistakes, the recurrence of such cases indicate that torture is actually practiced in Palestinian detention centers. There is no justification for this to continue.

It is necessary to note the increasing trend of acquiring and using firearms. In 1999, 12 persons were reported dead from the misuse of guns. Half of them died as a result of shootings during weddings. The other half died in incidents involving security officials. Five cases were a result of personal feuds. In four cases, the killer had kinship ties to the killed²⁴. There are cases of security elements using their fire weapons when they are off duty, to settle personal matters.

The President approved law #2 for the use of firearms and ammunition in 1998*, specifying conditions and regulations for their use. Several circulars and orders were delivered by security commanders to deal with the matter. However, the security situation suffers from a lack of proper training and supervision requirements to curtail the misuse of guns and discipline violators away from public pressure. Following the killing of a security official in Rafah, scores of people were wounded in demonstrations resulting from the incident and many were detained. A committee was formed to investigate the incident. Like all similar committees, results of the investigation were never made public.

However, there were several training workshops and courses to upgrade the performance of the police and improve skills of dealing with the public. The kidnapping and rape of a six-year old boy by a colonel in the Palestinian border forces evoked widespread anger. An execution order was issued according to articles 350 and 356 of the Palestinian Revolutionary Law. The President approved the order and the death sentence was implemented against the perpetrator*.

The Palestinian Security Forces launched a campaign detaining scores of HAMAS activists, including two leaders of the military wing. The editor of *Al*

²⁴ Murdered: Abdel Fattah Shinan by Abdel Kader Shinan on the 3rd of June 1997- General Intelligence. Saed Alwi by Abdel Fattah Alwi on the 14th of March 1999- Presidential Security. Musa Awayda by his son Ahmad on the 7th of Dec 1999- Police. Ayman Abu Nahel by Husein Abu Nahel on the 23rd of Nov 1999- National Security.

* The Citizens' Rights Center of the Arab Thought Forum prepared a simplified guide concerning firearm and ammunition regulations.

* In response to death sentences following public reaction, the Arab Thought Forum held a seminar on the 27th of April 1999 to discuss the issue, revealing that there is lack of a clear policy concerning death sentence.

Risala newspaper was also detained, together with two members of the editorial board of the newspaper pertaining to the Islamic *Khalas* party. In relation to the **military judiciary**, there were severe steps including:

- Dealing with civil cases within military judicial laws.
- Reinforcing the role of State security courts, reflecting an unjustifiable resorting to emergency regulations.
- Issuing capital punishment sentences.
- Appointment of a military attorney general.

The limitations emanating from the interim accords disrupt the work of Palestinian security institutions in many “**normal**” matters, especially at crossing points. Israeli forces repeatedly intimidate and detain Palestinians crossing from one area to another. This complicates the work of the Palestinian security forces and their performance with the public. It further limits benefits from scores of workshops held locally and abroad to improve the performance of the security institutions, especially the police.

There is a dire need to secure conditions and tools that would enable security institutions to carry on with their work effectively, including criminal investigation labs and medical facilities, as well as establishing working mechanisms within the judicial system, especially the attorney general.

The Civil Defense, which is one of the most important tools for internal security, is seriously limited in equipment and internal organization*, especially in the northern districts.

There has been a marked improvement in communication between legal institutions and the heads of security institutions. Legal advisors were recruited to advise on proper procedures. However, some officials shy away from adopting proper procedures, particularly in preventing lawyers and human rights activists visiting political detainees*. The National Security Command has favorably responded to the request of the PLC to ease and improve conditions for political detainees in Jneid prison. At the end of 1999, a large number of Islamic activist detainees, who were held for extended periods, were released.

* The Arab Thought Forum conducted a field research on the Civil Defense Force in the West Bank. On the 6th of Dec 1999, a workshop was held to discuss findings. The results and recommendations were dispatched to officials in charge of this vital force.

* The Center for Citizens' Rights followed up 65 cases related to Security Institutions during the period covered in the report. Positive responses were received from the Police and Preventive Security. The Center's lawyer was allowed to visit all detention centers of the Preventive Security. He actually went to Jericho, Hebron, Nablus and Ramallah.

Deaths in detention centers

There is no official confirmation of deaths resulting from torture in Palestinian prisons. However, human rights reports indicate that there were 21 cases of death during detention in the period between June 1994 and the end of 1999. Nine of these cases involved people who died after being transferred to hospitals.

There is no regular pattern in the breakup of deaths in detention centers. In 1994, there were two such cases, while the peak was reached in 1995 resulting in eight deaths. In 1996 there were three cases, while in 1997 it went up to five and then went down to two in 1998 and one case was reported in 1999. The trend is encouraging and could lead to putting an end to deaths in detention. In the Gaza Strip, there were no cases of death during detention for two consecutive years; 1998-1999. There is no indication whatsoever that torture is an official policy. Such incidents are justified as “personal” mistakes. The decline of such cases in recent years indicates that measures are taken to stop such mistakes.

As for the geographic distribution of such cases, eight were in the Gaza Strip and 13 in the West Bank. In regard to the security institution involved in cases of death during detention; 10 cases (47%) were with the Mukhabarat (General Intelligence). Five cases (23.5%) at the Preventive Security. Two cases (10%) with the police. One case for each of the Military Intelligence, Force 17 and the Naval Police.

To draw the social impact resulting from such deaths, 16 involved cases of married persons, leaving behind 16 widows and 80 children.

As for the periods spent by these detainees between arrest and death, seven died within the first three days of arrest. Six died between the 4th and the 14th day of arrest, and three died between day 15th and 30th of arrest, while five died after a month in detention.

Table (3):
**Deaths in Palestinian detention centers
 (according to years)²⁵**

<i>Number of deaths in detention centers</i>			
Year	Gaza	West Bank	Total
1994	1	1	2
1995	4	4	8
1996	1	2	3
1997	2	3	5
1998	-	2	2
1999	-	1	1
Total	8	13	21

Table (4):
**Deaths in Palestinian detention centers
 (according to security institutions in charge)**

<i>Number of deaths in detention centers</i>			
Security Institution	Gaza	West Bank	Total
General intelligence	4	6	10
Preventive security	3	2	5
Naval police	1	-	1
Military intelligence	1	-	1
Unspecified	1	-	1
Force 17	-	1	1
Criminal police	2	-	2
Total	12	9	21

²⁵ The charts are derived from lists of people dying in prison- The Palestinian group of Monitoring Human Rights.

Strengths

1. The availability of an effective security apparatus capable of securing internal public order.
2. A high level of efficiency in combating crime and improving safety in various areas. The security forces have solved the majority of crimes involving civil cases.
3. There has been a decline in cases of deaths in Palestinian detention centers compared to previous years.
4. Mechanisms have been established to pursue cases of detainees, including visits for most of them by lawyers and Human Rights groups.
5. Upgrading the level of security institutions through the organization of courses in Human Rights and Public Relations, in cooperation with civil society organizations, as well as participation in international conferences.
6. There has been a marked improvement in the coordination among various security institutions. A person is not subject anymore to be investigated by more than one security institution for the same case.

Weaknesses

1. There are a number of unacceptable practices that the security institutions continue to deny, including physical assaults on PLC members and citizens.
2. Due to obligations related to the peace accords, security institutions resort to detentions that have a political character with no legal justification or proper judicial procedures.
3. Torture is still used during interrogation, particularly with political detainees contrary to law (there were several cases reported in this respect during the period covered in this report).
4. The continuing detention of individuals without trial or applying proper legal procedures in arrest, detention and search.
5. Repeated cases of non-discipline, including the misuse of weapons and official vehicles outside duty.
6. The exaggerated number of security institutions could expose Palestinian society to militarization.

February 28, 2000

**For Publication,
Statement Issued by the Arab Thought Forum***

**Let Us Act Together
To Counter Violence in Palestinian Society**

The Arab Thought Forum has been observing for a while the increasing trend towards violence in Palestinian society. The various forms of incidents involving violence are not isolated, and there is a fear that it could become a characteristic of Palestinian society.

The incidents were not confined to a specific sector of the population but involved students, security agents, grassroots, political factions and functionaries, in addition to individual personal clashes.

In general, carrying out death sentences falls also within the realm of violence, particularly when it occurs following violent demonstrations and protests.

There were cases of using firearms, and PLC members, who are supposed to enjoy immunity, were beaten up.

There were also cases of killing or maiming as a result of torture. It reached to the point of attacking the Prime Minister of France on the Birzeit University campus.

We, in the Arab Thought Forum, consider that violence is not confined to actions that cause bodily harm, but includes verbal violence that has an equally detrimental impact. With our deep commitment to the principle of freedom of expression, we make a clear distinction in extending that freedom to actions that cause psychological harm, injury and slander that is not based on facts.

As such, we also condemn statements that contain verbally violent tones. Political detentions that result from such statements are also a form of violence that violates liberties.

This statement does not seek to throw blame or direct accusations, but to draw attention to an alarming phenomena and urge people, at all levels and walks of life, to maintain ethical values that are part of our Arab, Islamic and Palestinian heritage and stay out of atmospheres and environments that lead to violence.

* The Arab Thought Forum issued the above statement on the 28th of February 2000. It will be published separately. However, we felt the need to include it in this report.

The Arab Thought Forum calls for a code of honor which everybody would be committed to adhere to:

1. Full respect of human rights including the freedom of thought, expression and peaceful protest.
2. Setting up legal guidelines to arrests, banning torture and ensuring the rule of law in all that is related to human rights.
3. Regulating the use of firearms and making sure that irresponsible elements have no access to it.
4. Banning physical violence in whatever form and level.
5. Refraining completely from resorting to verbal violence when making declarations, releasing statements or expressing opinion, keeping in mind the higher national interest and avoiding sensational and inciteful language.

Our appeal is addressed to all sectors of society, at all levels, but especially to the PNA and its executive organs since it has prime responsibility for the social fabric that would either be characterized by violence or act on the rule of law that guarantees liberties and prevents encroachments from whatever or whichever source.

1.1.4. Local Government

The Palestinian territories cover 400 residential areas in cities, towns and villages. With the exception of Jerusalem and a limited number of small residential areas, most towns and villages are under full or partial administrative Palestinian control. This has freed the residential areas from Israeli hegemony, especially in the field of construction and infrastructure, which was held in a limbo throughout the previous period of occupation. At long last, preparing structural plans became possible. However, there are serious obstacles, primarily due to Israel's control of a large part of the reserve lands that could not be put to use within current developmental schemes.

The Ministry of Local Government and the Palestinian Council for Development and Reconstruction (PECDAR), in cooperation and coordination with funding sources, such as the World Bank and the United Nations Development Project (UNDP) and USAID are in the process of implementing large-scale infrastructure projects, especially in the principal towns. Fundamental changes are taking place in road construction, introducing pavements and lighting roads, as well as electricity, water, garbage disposal and wastewater treatment networks. However, there are 180 residential areas that lack potable water networks and around 90 areas with no electricity. It is unlikely that there will be a fast move to undergo a process that would result in a fast improvement in the situation for the following reasons:

1. Lack of sufficient funds from donor countries to cover the needs of the isolated areas. Grants are focused on major projects in a limited number of cities.
2. Lack of State subsidies or financial transfers such as fuel taxes.
3. The sharp decline in municipal revenues, which can hardly cover part of the services provided, coupled with individually-initiated developmental projects in small and medium sized areas and the inefficiency of revenue collection.

The Local Government, after years of inactivity, is a most vital sector in need of development. The transformation of scores of villages into municipalities was nothing more than a symbolic gesture that was not matched with providing needed logistic support in the process. The only significant measure was the European Union's announcement to earmark \$22 million for infrastructure projects in rural areas, starting from the year 2000.

Since local government councils depend on very limited revenues from a small number of people, they can cover only a range of very limited services. There is need for new legislation and measures that would redefine all

revenues and the services they are supposed to cover, including funds needed for developmental purposes.

Raising revenues is possible within the actual family income without placing a heavy burden on people. The principle should take into consideration income levels, rather than extreme cases of people unable to cover required revenues. A special mechanism could be established to deal with exceptional cases without being restrained by complicated routine measures²⁶.

An encouraging sign is voluntary contribution by private citizens and local councils in the process of reconstruction. During the last three years, a total of \$150 million were donated for investment projects outside the framework of local taxes.

The Palestinian Union of Local Councils was formed with the goal of providing an institutional representative setup and coordinate efforts to address its concerns and needs.

The Ministry of Local Government and the World Bank have signed an accord to draw up a master plan related to the projects of local councils. The plan includes the establishment of an accounting unit in the Ministry of Local Government to manage funds earmarked by the donor countries to various local councils. It also includes a technical planning unit in charge of designing projects and following up implementation. The legal department in the Ministry sets up regulations upgrading master plans and preparing projects in areas not covered by the survey. It also provides the urban planning department with needed support. In addition, it supervises road construction and infrastructure projects to support local councils and upgrade the managerial skills of the Ministry's employees. In another positive development, the Ministry has endorsed a system of a common council of services starting from the villages to the west of Bethlehem district*.

The departments of Local Government have accomplished tangible results in implementing scores of projects. The central planning committees have studied projects in need of building licenses and approved many of them. As for zoning plans, it placed announcements if there was any opposition to its plans while conducting surveys of structural projects. Additional plans of municipalities were prepared together with the formation of local and joint committees. Photographic surveys were prepared for a number of municipalities.

²⁶ This phenomenon was observed during ATF meetings with local councils. A letter was dispatched to the Ministry of local government and relevant PLC councils to prepare legislation fitting the situation.

* During the period covered by this Report, 16 public meetings were held, through the Arab Thought Forum, bringing together local council heads, members and the public. The purpose was to provide a forum for direct exchange to focus attention on specific problems in each area. The Forum followed up on various issues with relevant parties. The issue of elections was the prominent issue brought forward in these meetings.

Currently, the municipality works in two directions. First, to develop and introduce a general infrastructure covering all areas. Secondly, to build and develop administrative structures of municipal councils. A special municipal police force is under formation to curtail violations occurring in applying the rule of law in this field*.

Municipal councils are still managed by non-elected, appointed officials and some by people who were elected 24 years ago.

It is unclear whether it will be possible to conduct the needed elections of local councils as a step to assert the principles of non-centralization, pluralism and staying away from the policy of appointments, thus bridging the wide gap between the people and the appointed councils. The current policy was supposed to be a temporary arrangement for the PNA's takeover.

The Ministry has repeatedly announced its intention to conduct municipal elections during the summer. Although the Minister of Local Government has declared (during the third session of the PLA) that there are plans ready for implementation to conduct elections within 90 days of setting the date, no such elections have taken place since many years.

Furthermore, the Minister also declared that elections for local councils are not related to the final solution, citing special conditions that have not allowed holding elections before 1998. He also stated that holding municipal elections is an item included on the PNA's agenda and that the Ministry of Local Government was fully prepared to conduct the elections in all map, records and cost aspects.

Recently, the Ministry has issued a circular to all its departments calling for the introduction of women elements in existing and forthcoming local councils. It said that people should get used to women being involved in running local councils. In another circular, the Ministry has declared that it is not allowed to combine membership in local councils and the Ministry of Local Government or other PNA institutions.

* On the 30th of October 1999, the ATF held a workshop to discuss administrative structuring procedures that evoked unrest in local councils since it would push towards concentration of power and deprive councils from the authority to act locally.

Strengths

1. The main Palestinian towns have been undergoing major improvements in developing infrastructure services and improvement. Although many of the vital projects still await implementation, there is no comparison with the period under Israeli rule.
2. Traffic regulations and conditions have clearly improved through pavement, lighting, introducing traffic lights and general organization. There is more safety on the roads.
3. Municipalities and local councils have set up and activated a number of laws and procedures that would improve public safety.
4. Upgrading the status of scores of large villages into municipalities and town ships reflects concern with the Palestinian countryside.
5. The experience of some local councils provide successful models of local initiatives to overcome budgetary deficits. These cases need to be studied and evaluated.

Weaknesses

1. The improvement in the administrative level and services provided by municipalities cannot be a substitute for the vital lack of local council elections. In spite of numerous appeals and the dire need, this matter is not on the priority list of the decision-maker.
2. Municipalities, especially the smaller ones, face a deteriorating financial situation that does not allow for any tangible improvement. Contributions by donor countries are insufficient to cover needed projects while self-dependent revenues are so limited with no legislative or administrative measures that could rectify the situation and respond to the actual needs.
3. The PNA is depriving local councils from its share of revenues such as fuel taxes.
4. Although one may trace local and international initiatives here and there, there is a lack of a clear-cut, officially adopted development plan endorsed by various ministries and institutions. This matter should be dealt with more seriously and assure a fair distribution of resources to the projects in all rural areas.
5. There are a number of cases where the Ministry of Local Government does not abide by its decision not to allow some people combining their role as members of local government and being on the pay roll of the Ministry simultaneously.

1.1.5 General Control Bureau

The only report that was published by the General Control Bureau was in 1997. In a phone conversation, Mr. Jarrar al Qudweh, director of the Palestinian General Control Bureau, informed the Arab Thought Forum that “the second report was complete and handed over to the President”. The President apparently decided not to publicize the Report. This contradicts with the role and function of the General Control Bureau²⁷.

The General Control Bureau has widened its area of monitoring to cover NGOs. The latter have expressed protest for not publicizing the results.

²⁷ At a later phase, the General Controller announced that he would present his 1999 Report to the President before the end of Feb 2000, thus being the first such report presented on such an early date in the world. (Declaration appeared in Al Quds on the 6th of Feb 2000). The General Controller stated that he presented to the President the reports for 97, 98 and that there were some gross violations in 1999.

Strengths

1. Even if the reports of the General Control Bureau are handed only to the President of the PNA, the fact that it still functions and issues its reports is encouraging.
2. Issuing monthly reports indicates the existence of a mechanism and a system that could boost performance as a result of the monitoring system.
3. The Control Bureau carefully listens to comments, grievances and criticisms. A case in point is the elaborate letter that the General Controller has sent to the Arab Thought Forum following the first report on Democratic Formation in Palestine, expressing his opinion about various matters included in the report²⁸.

Weaknesses

1. Concealing flaws and mistakes reported by the General Controller and not publishing recommendations violates the principle of transparency and the rule of law.
2. Some NGOs that were checked by the General Control Bureau have not received any feedback as to the result of the investigation. A letter addressed by the General Controller to each NGO on its performance and areas in need of improvement would be useful for all concerned parties.
3. The effectiveness of the General Control Bureau is very limited. There is no follow-up to the recommendations of the Bureau, legally or otherwise.
4. There is no item that legally requires the General Control Report to be submitted to parties other than the President of the PNA, such as the Speaker of the PLA.

²⁸ The ATF does not divulge any correspondence received from officials, in line with a tradition that seeks public interest and professional ethics.

A reading on the phenomena of corruption

Corruption is a global phenomenon that can be spotted everywhere. However, what differentiates a society from another is the level and forms of the spread of corruption, as well as the ability to detect and pursue perpetrators.

Palestine is not different from other societies in this respect. The first General Controller's report pointed out to a number of specific cases involving corruption. The PLC conducted an intensive investigation confirming the matter and implicating certain members of the Ministerial Council. This almost led to the fall of the government.

So far, matters seem similar to what could happen anywhere, even in democratic countries. Corruption was detected, investigated, confirmed and announced to the public. What ensued did not fall within the proper procedures of holding perpetrators accountable. With the actual absence of proper judicial procedure, the initiative was left to the President who saw no reason to take action.

Regardless of the considerations that the President had in mind, the general analysis indicates that this constitutes a serious deviation from the democratic practice and asserting the rule of law.

What is more alarming is accepting and getting used to the fact that corruption could pass with impunity, thus removing the necessary deterrent effect needed in such cases. The PLC's taking up the matter was encouraging in setting up the precedent of deterring corruption through investigation and indictment.

However, the issue was stalled and there was no follow-up. The PLC had undermined the only constitutional tool it had by denying confidence to the Government and reversing its own decision through granting the same Government confidence.

This resulted in creating an unhealthy situation combined with exaggerated rumors spreading without verification. Actual corruption cases are ongoing and accusations involving others cannot be rebutted. In the absence of judicial means, some human rights NGOs are trying to follow up on such cases.

However, since these organizations lack judicial authority or access to information involving official records, the findings are legally insufficient. Failing in carrying out the mission, some of the NGO's find themselves accused of slander and/or inefficiency.

Undoubtedly, this situation not only reinforces administrative, developmental and ethical corruption, but also creates an unhealthy environment where people refer to corruption jokingly resulting in its spread.

The situation cannot be rectified without the existence of an independent and powerful Attorney General with the authority to conduct investigation thoroughly and level charges. This should be coupled with allowing the monitoring and General Control bodies in both the PLC and the PNA to assume full responsibility to function within the principle of the supremacy of law.

The International Community, particularly donor countries, have taken note of this phenomena and assigned experts to study the matter. The “Rocard” report came as a result. The PNA’s abiding by the recommendations of that report is a moral obligation to be honored in order to maintain credibility with donor countries. Failure to do so will raise questions about the seriousness of the PNA. The formation of an “Administrative Reform Committee” indicates that the matter is viewed as something involving improving administrative measures to raise efficiency rather than addressing the crux of the matter—dealing with corruption. This is unjustifiable. The fact that no official was charged so far does not indicate the lack of violations but the absence of accountability in this phase.

1.2 Legislative Authority

1.2.1 The Legislative Council

It is not easy to reach to an objective evaluation of the Palestine Legislative Council experience without taking into account the specificity of the situation on the ground. The Legislative Council, like the Executive and Judicial, functions face an extremely complicated situation. The interim phase, which was due to end in May 1999, has been delayed to an unspecified deadline.

It is under such circumstances that the Palestinian parliament functions seeking to assert its credibility towards the constituency on the one hand, and towards the patrimony on the other, with all the internal and external implications and complications. In addition, the Council has the duty to lay down the foundations of a proper parliamentary democratic tradition in relation with the executive and judicial branches, as well as communal attitudes of respecting diverse opinion, freedom of expression, accountability, rule of law and human rights in general.

Despite criticisms directed to the Council, there have been concrete achievements that the Council has been developing in order to unify the legal situation in Palestine and organize internal relations.

The credibility of the Council has been negatively affected when it granted confidence to the same government that it had demanded to resign. Its term expired with the date of the declaration of State in May 1999. This evokes two points of significant importance. First, under what jurisdiction does the PLC operate since 1999? Second, could legislative elections be held in the shadow of postponing the declaration of the State, on the assumption that the PLC is a temporary national institution emanating from the Oslo Accord?*

Since new elections were not held and no amendment was introduced to extend the mandate of the PLC in May 1999, the legality of the Council is placed under question. It is not clear whether the first round of elections, held in January 1996, is linked to the interim period or to a specific time period set for May 1999. The question that arises evolves around whether the delay in meeting the final phase is linked to the mandate of the Council.

* A point of view considers that the legal term of Presidential and Legislative Council term has expired at the end of 3 years in March 1997. This is based on the stipulation mentioned in both guidelines of elections and the Declaration of Principles, which sets the term for three years.

While the establishment of a Ministry for Parliamentary Affairs had a positive impact in regulating the relationship between the Council and the PNA, in addition to including one third of the PLC members in the Cabinet, there are still difficulties in the relationship between the two parties. Pending cases include presenting the budget on deadline, confirming decisions taken by the Council and responding to its resolutions. Approving the basic law is another issue at stake.

The Palestinian parliamentary experiment is operating under very complicated circumstances, objectively and subjectively. Most parts of Palestine are still under Israeli control and arbitrary measures. The deadlock in the peace process has affected the Palestinian performance negatively in the political and economic fields. This has obstructed the work of the PLC, including assaults by Israeli forces on members of the Parliament.

The credibility of the PLC was shaken up following the endorsement of the government that was accused of corruption, as well as the Council's continuation of its work after the expiry of its term.

The PLC has given a special importance to the 4th of May 1999, as the deadline for completing the interim phase. In a special session, the Council called for the declaration of State, national unity and called upon the international community to recognize the right of the Palestinian people to statehood, with Jerusalem as its capital.

As was common in the end and beginning of each session, the PLC has held on the 7th of March, the date of its convening in 1996, a session where the Speaker offered his resignation after presenting a report about the previous session and new elections were held. In moving from the third to the fourth session, PLC members have renewed their confidence in Ahmad Qrei' and the PLC steering committee members. Ibrahim Abul Naja and Ghazi Hanannia were elected as deputy speakers and Rawhi Fattouh as secretary. This was the start of the fourth PLC session that convened first on the 15th of March 1999.

In an interesting precedent, the PLC decided that the 7th of March of each year would be a day consecrated to democracy, where an intensive campaign will be held for a week to enhance public awareness to democratic traditions .

* On the occasion of Democracy Day, the ATF, in cooperation with the PLC, held 13 public meetings through PLC branches with the participation of 48 PLC members and 1555 persons (at a rate of 119 attending each meeting). An additional six town meetings were held between PLC members and the public.

The PLC has regulated the work of its committees and its sessions. It conducted scores of field visits and held sessions with the public and NGO bodies. Administrative reform was introduced as a result of local evaluation, as well as benefiting from the experience of other parliaments. Several training workshops were held to enhance the work of the Council.

By the time this report was prepared, the PLC had passed 64 pieces of legislation. The President approved 22 of them.

The PLC has actively interacted with outside parliamentary groups. Visitors to the Council included parliamentary delegations from Egypt, Morocco, Qatar, Jordan, Tunisia, South Africa, Italy, Netherlands, France, UK, Germany, Sweden, Ireland, as well as a senior delegation from the Russian *Duma*.

The activities of the Council were not confined to exchange of visits. It extended to developing concrete parliamentary relations including the establishment of 21 parliamentary friendship committees seeking to strengthen ties with people abroad.

The Presidency of the PLC has issued a number of reports dealing with basic social and economic issues to inform the internal and external fronts about the situation. The issues included Jerusalem, land confiscation, shutting down national institutions, depriving Jerusalemites from residency rights, issuing a declaration for the international day of women, another for Land Day, as well as the 4th of May, the day set for concluding the interim period. The Council followed up on Israeli practices in Jerusalem, such as shutting down institutions like Orient House. The Council also issued a statement reflecting Palestinian anger as a result of Israeli settlement in Palestinian lands.

The PLC issued a joint press statement following the visit of a Jordanian parliamentary delegation underlining the special relations between the two countries. The attempt of Israeli settlers to assault the Jordanian delegation, while Israeli troops were watching the incident during a visit to Hebron, was condemned.

At the end of October, the Council issued a statement protesting Israeli measures to the north of Bethlehem, a step that would isolate south of the West Bank from the north and strangle the City, cutting it off from Jerusalem.

1.2.2 Legislation and Laws

The PLC has intensified its activity during the period covered by the report to deal with 64 laws at different levels. Over half of these were finalized, while the rest are in the process of being ratified.

Diagrams 10 and 11 indicate the levels of approval of these laws and the range of topics addressed by the PLC covering all aspects of life in the period under study till the end of 1999.

Strengths

1. Despite the complicated situation, the PLC has continued to function as an independent legislative authority, dismissing political restrictions in various areas.
2. The PLC reflects efficiency in discussing and passing various resolutions, taking into account various sectors affected by proposed legislation. The Council has introduced (during 1999) 10 new laws that constitute a 52% increase of what it achieved since its establishment at the end of 1998.
3. There is a general consensus that the PLC has established (during the last four years) a democratic tradition in parliamentary life. A process of institutionalizing democracy in Palestinian society is in the making.
4. The Council has actively contributed in exchange programs and visits with Arab and International parliaments. Prominent world leaders have addressed the PLC.

Weaknesses

1. The 4th of May 1999 was the date set to conclude the interim period and the term of the PLC. As such, the legitimacy of the Council is under question. The fact that accords on the interim period were not reached does not justify the extension of the mandate of the PLC. No amendment or presidential decree was issued to fill up for the constitutional flaw.
2. The credibility of the Council was severely affected in its granting confidence to a government that it had called to resign. Political tactics that have created such a situation do not contribute to regain credibility.
3. The decision by the Council to form a committee to check the behavior of members on the background of those who signed the “statement of the 20” was a negative precedent as to the role of the Council in providing immunity and insuring freedom of expression. The Council did not respond to calls for freezing immunity from members who signed the statement.
4. The PLC has not succeeded in presenting itself as an independent legal body as a result of the internal political situation after the elections. The fact that one third of the PLC members are in the Cabinet contributes to this feeling.
5. With the resignation of a PLC member, no measure was taken to fill up for the vacancy, indicating there is a clear legal flaw.

1.2.3 Parliamentary Monitoring

In the area of monitoring, the PLC has actively moved to fulfill its duty of reinforcing democracy and checking performance.

Parliamentary monitoring, involving holding ministers answerable to issues of concern to the public and responding to complaints at branches of the PLC, is a vital component of the democratic process. The “Rocard” report has called for a monitoring role for the PLC over the Executive Authority.

Such a follow-up is an important indication towards setting up the basis of a proper state and the supremacy of the rule of law. It reflects the principle of separating powers and viewing the Council not only as representing the people, but also as a body that checks and balances the Executive Authority and assures the proper implementation of law.

The issue of human rights and public liberties has occupied an important part in the proceedings of the Council. The ministers were questioned over matters of concern, following complaints by the public. The issue of the relation between the Executive and the Legislative bodies were brought forth within the dynamic struggle for democracy.

The Council has actively sought (in the period under study) to assure the rule of law and protecting human rights, either through permanent or temporary committees. Questions addressed to ministers covered broad and comprehensive areas indicating the Council's concern for proper monitoring. Answers that were not convincing to given PLC members were directed to specialized committees. Ministers questioned included the Minister of Justice, Post and Communication, Local Government, Health, Commerce and Economy, Planning and International Cooperation, Civil Affairs, Transport, Finance and Agriculture.

The Council listened to reactions of ministers concerning matters such as the letters sent by the Civil Affairs Ministry to the Israeli Authorities concerning the handing over of the bodies of Imad and 'Adel Awadallah that are still held. The Minister of Justice was questioned about the non-implementation of the Higher Court decisions to release political detainees and the lack of progress in building up legal structures. The Minister of Planning and International Cooperation was questioned about the project of sewage in Khan Yunis.

The PLC was serious in its monitoring activity concerning the approval of the 1999 budget. Since that budget was presented in April 1999, every item was carefully discussed and detailed reports were presented with remarks and recommendations calling for the need to set clear guidelines and policies for the budget. It called for decreasing the deficit, unifying revenues, control of expenditure and job appointments. The Council has linked its approval of the budget proposal to the willingness of the Cabinet to abide by the resolutions of the PLC.

Approving the budget is at the core of the work of the PLC. It provides the parliament with the opportunity to assess the performance of the government through clear figures that reflect government revenue and expenditure. The process is an indication of transparency and accountability.

The Council also raised the issue of the accord reached with the Arab fund for Economic and Social Development involving a loan. The committee of the budget and finance has requested the Council of Ministers to present all loan projects for approval by the PLC according to proper procedure.

Questions arose over the (Ford) vehicles that operate as means of public transport without license, as well as measures needed to activate the fund for victims of traffic accidents. In addition, the issue of telephone fees and local pharmaceutical firms not supplying the Ministry of Health with needed drugs, was brought forth together with the negative impression on donors who questioned the Ministry's ability to run health centers. High insurance rates for trucks was also discussed by PLC members and ministers together with the procedural steps required in presenting the budget on time, keeping in mind the need to set a clear tradition of fiscal policy.

Resolutions:

The PLC has issued resolutions related to Palestinian political, social, economic and cultural aspects, as well as defining the relation among the three Authorities. A special committee was formed to follow up on the issue of detainees and to coordinate with relevant parties in the PNA in line with decisions taken by the PLC.

The PLC has taken a number of political resolutions such as approving, after discussion, the Wye River accords. It discussed the amendment of the National Charter, as well as taking resolutions in favor of introducing administrative and political reform in the institutions of the PNA and other fields such as fiscal policies, human rights, independence of the legislative and public administration. The Council has taken several resolutions stressing the need to receive the budget on time.

The Council has expressed concern on the issues of the Monetary and the Petroleum Authority. It called for limiting the number of licenses to commercial banks, calling for promotion of development and investment banks. It also called for drafting a special law related to the Petroleum Authority.

As for customs, the Council demanded the Executive Authority to unify custom's tariffs on goods imported through Israeli ports and Palestinian crossing points. It also called for the need to regulate the operation of Ministries and canceling the system of having two or more headquarters for Ministries. The Council demanded the Ministry of Treasury to open one central account for each Ministry and avoid duplicity of reference, such as civil defense and crossing points. It also called for the review of the policy of recruitment, promotion guidelines to assure that all government institutions operate in a manner that is in line with the law of civil service.

Concerning prisons and detention procedures, the Council called for the establishment of a unified and trained structure that would guarantee a proper procedure of detention, including the separation of security and civil detainees. It expressed complete rejection of the principle of political detention.

The resolutions of the PLC did not tackle the issue of placing many institutions under the authority of the Presidency rather than relevant ministries. It also did not place sufficient focus on the need to have an independent judiciary and the steps needed to organize the work of courts.

The resolutions taken by the PLC can be divided into three categories:

- Regulatory resolutions related to the operation of the Council.
- Resolutions having a **legislative dimension**, such as approving bills presented by the Council of Ministers or a PLC member.
- Resolutions having a **monitoring character**, which follow up on the work of special committees that present reports to the Council.

In the formative phase of the establishment of the PNA, the Council has issued key resolutions related to public policy and government performance.

Strengths

1. The PLC has played a positive role in monitoring the PNA's budget, making sure it is presented on time and discussing each item carefully. It linked approval of the 1999 budget to the PNA's creating proper mechanisms of administration.
2. The Council played a key role in holding ministers accountable, stressing the principle of the rule of law and defending public liberties.
3. The PLC has promptly responded to issues of concern to the public.

Weaknesses

1. There were cases of sluggishness and redundancy of issues discussed by the Council. This undermines the credibility of the Council, which is not totally responsible for such a state of affairs. The PNA, by not implementing many resolutions taken by the Council, has complicated the monitoring work of the Council.
2. The Council has failed to place certain sectors under its scrutiny, such as the security institutions.
3. The inability of the Council to receive a copy of the report of the General Controller. It failed to introduce an item in the general monitoring law requiring the presentation of the general controller's report to the speaker of the PLC, as is the case in democratic systems.

1.2.4 Council Committees

PLC committees, in line with parliamentary traditions, have discussed various issues and introduced an important step in monitoring procedures by holding public hearings and investigating cases. This started with the Health sub-committee of the Committee of Education and Social Affairs.

The sessions, which involve a wide range of sectors, seek to develop legislative and monitoring devices checking the performance of the PNA. In addition to contributing to the legislative process, this procedure holds the government accountable and allows the public to get involved in decision-making.

Public hearing sessions differ from regular sessions of the Council's committees in that they are not confined to specific areas or groups, but involve a wide sector of society. Participation in regular sessions is confined to the PLC and its sub-committees, while every person could participate and present proposals in public hearings that are intended to question and hold the PNA accountable publicly.

Experience shows that the above-mentioned procedure has proved to be effective. The committees have discussed the following issues:

1. Monitoring

The Monitoring Committee has welcomed the appointment of a new Attorney General, a position that was vacant for a long time. It expressed full support to him, stressing the need for an independent, just legislative assuring Palestinian basic public rights within the rule of law. The Committee discussed the issue of political prisoners and the misuse of guns by some police members, as well as issues related to Palestinian courts. It took note of the Security Institution's ignorance of higher court decisions and their illegal transfer of political prisoners to State Security Courts.

The Committee has also discussed matters related to journalistic work, including the illegal detention of journalists. It met with representatives of the Petroleum Authority and Ministries involved directly in the increase of prices of some basic goods. On the other hand, the Committee demanded the Speaker to follow up on the resolution calling for the release of the political detainees that have signed the statement of the 20. The Committee has presented a report on the issue of misuse of guns that has resulted in 14 killings during 1999.

The Committee discussed the status of political detainees in Jneid and Jericho prisons and the deterioration of the health of several detainees following a one-month hunger strike. It called for the transfer of the sick to hospitals, assuring a proper health treatment.

Members of the Monitoring Committee paid a field visit to the offices of the preventive security in Tal el Hawa. They discussed with the Deputy Commander of the Preventive Security Forces in Gaza mechanisms and procedures involved in detention, search and maintaining public order*.

2. Legislation

The Committee for Legislation discussed the issue of organizing the Court System, the official gazette and the law for illegal profit. It reviewed items related to the internal laws of the PLC. The Committee studied the level of application of resolutions taken by the PLC with government officials and presented amendments to regulate the practice of law. It criticized the vacancy in the position of the Attorney General and the Chief Judge, as well as the negative role of the State Security Court and illegal detentions, together with disregard of court decisions. It welcomed the decision of the High Court in case number 189-98, banning political detention.

* Appendix #12 includes the report of the Monitoring and Human Rights Committee within the 4th session of the PLC.

The Committee called for the formation of a transitional judiciary council and stopping encroachment on the work of the judiciary by improvised courts. It demanded the publication of the law, controlling the Judicial Authority.

The Committee has held several sessions to discuss the Palestinian bill of arbitration designed to ease pressure from courts and improve judicial performance.

3. The Political Situation

The Committee for Political Affairs discussed matters related to the end of the transitional period, the decision to declare a State and the need to hold new elections in line with democratic practice.

The Committee followed the on-going land confiscation and dangers of the continuing judaization facing Jerusalem and the Israeli decision to cripple Orient House.

Members of the Committee paid a field visit to Hebron and observed at close hand the project for the revival of the Old City.

The Committee on Jerusalem visited lands confiscated in Ras al 'Amoud, the camp of steadfastness (Sumood) in Suwwaneh and the Ribat al Kurd, adjacent to the Dome of the Rock, as well as Palestinian institutions in the City and the surrounding villages. The Committee has followed measures to encircle Jerusalem and the accompanying settlement activity that would dismember Arab areas, especially in Ras al 'Amood and Silwan.

4. Financial and Economic Conditions

The Committee for the Budget and Financial Affairs has discussed a bill to regulate the PNA's budget for 1999. For the first time, the Committee offered a three-week deadline to the Ministry of Finance to present the budget.

The Committee discussed issues related to unemployment, insurance and provident funds, salaries, road accidents and health insurance funds. It also discussed locations of ministries and government bodies.

In order to avoid duplication and over-lapping in the work of ministries, the Financial Committee approves and follows up all economic accords and loans from donor countries. In an attempt to regulate procedures, the Committee has prepared a plan, together with the Ministry of Trade and Economy, to minimize the damage caused by Israeli closure.

5. Social Conditions

The Committee for Social Affairs discussed the law of social insurance and university tuition fees and the means to cover the deficit in institutions of higher learning calling for a comprehensive plan to deal with this problem.

The Committee reviewed the misapplication of the law of Civil Service and the decline in the status of schoolteachers. It continued the preparation of a bill related to the handicapped and a fund to support families of martyrs, prisoners and wounded as an extension of the labor law.

The Committee also convened to discuss conditions of Palestinian prisoners in Israeli jails and the status of negotiations concerning this matter.

The Committee for Health took up with the Minister of Health the issue of lack of medicaments and health facilities, as well as the financial crisis facing the Ministry. It presented a special report related to health treatment abroad following several complaints on this matter.

The Committee of Council Affairs, which is another PLC permanent Committee, has reviewed the budget of the Council, assistance provided by donor countries to build temporary headquarters and the projects to train and upgrade the performance of the Legislative Council.

Strengths

1. Continued improvement in the work of committees benefiting from past experience.
2. An increased tendency by the PLC to resort to experts and technical staff while providing a greater opportunity to people to participate in public hearing sections.

Weaknesses

1. The work of the PLC committees was not matched with the day-to-day concerns of the public. There is a great disparity in the performance of the various committees.
2. The committees lack research and information devices needed in improving performance.
3. Individual rivalries among committee members undermine the credibility and the efforts involved in the work of the PLC.

1.3 Judicial Authority

1.3.1 The Judicial Structure

It is not possible to envisage justice, democracy and the rule of law without asserting the principle of separating the Legislative, Executive and Judicial Authorities.

The Judicial System has not yet reached the level of an Independent Authority. It is subject to serious violations that undermine the principle of its independence. This involves dismissing and appointment of judges by the PNA. Court decisions issued by even the Palestinian Higher Court are disregarded. Even members involved in the Judicial System commit violations. In the last part of 1998, a number of lawyers were detained and treated crudely by the police in court areas. There is still a need to receive special permits by lawyers to visit detainees. Despite repeated calls by Human Rights Organizations, detentions by preventive security and general intelligence occur. People are detained for extended periods without proper detention procedures or involvement of the Attorney General. Torture practices contradicting with basic rights stated in the PNA's basic law are reported²⁹.

Following an extended vacancy in the post of Attorney General and the Chief Judge, there is a serious deterioration in the conditions of courts and a visible weakness in the performance of the Ministry of Justice, which should hold

²⁹ Chairman of the PNC, Mr. Salim Za'noun, declared, at the opening of the International Conference held by the Multaqa in Birzeit University, that the judicial system in Palestine is worse than it was 40 years ago.

direct responsibility for the judicial situation and the legal excesses in Palestinian Society.

Recently, the Attorney General and the Chief Judge were appointed. The latter is supposed to head the Supreme Judicial Council that has not been formed yet. The bill for Judicial Authority must have been approved in advance of forming the Judicial Supreme Council to be followed by deciding over who will head the Council in accordance with article 37 in the bill. It stipulated that the head of the Supreme Court should be the head of the Supreme Judicial Council.

There is a consensus among people dealing with courts that the situation is pathetic. The process of dealing with cases is slow, subject to continuous postponement, artificial bureaucracy and the lack of a judicial infrastructure to deal with the cases. At the end of October 1999, a number of judges in the West Bank declared a strike following three decisions by the Chief Judge to undergo a reshuffle of judicial employees. The judges called for fundamental and serious reform in the judicial system, including the establishment of a judicial council run by qualified and experienced elements.

PLC members have taken up with the Minister of Justice what they described as “neglect in putting judicial affairs in Palestine in order”. There is no indication that the Judicial System will enjoy its right to be independent. Legislative policies are diversified in Palestine and lacking*. There are no guarantees to provide immunity to judges. Judicial authorities are multiple and over-lapping. The level of performance is generally low and courts lack technical teams, ethical guidelines, an effective system of training lawyers, unwarranted interference by certain sources and above all prestige of judges on the part of the Executive Authority, including disregard of court decisions. The UN report on the Judicial System in Palestine noted that the legal system is “backward to a large extent”, in spite of the international assistance provided to rectify the situation. This sector is in need of increasing aid in order to be able to respond to the needs of the public*.

The international report prepared by the Council of External Relations noted the weakness in the Judicial System in Palestine. The fourth recommendation of the report called for “the formation of a more independent judicial system under the supervision of an independent upper judicial council that would enhance the rule of law, honor contracts and provide an orderly legal national framework. The powers and responsibilities of the Minister of Justice should be clearly specified without interfering or over-lapping with the powers and responsibilities of the Supreme Judicial Council. The State Security Court

* On the 28th of July 1999, the ATF held a special seminar entitled “Mechanisms to develop and unify the judicial system in Palestine”. Recommendations included calling on the PLC to provide utmost priority to securing a judicial system and requesting the PNA not to interfere with the independence of the judiciary until the law stipulating that is passed.

* The Director of *Fatwa* and Legislation of the Justice Ministry, in a meeting held by the ATF in Ramallah on the 28th of July 1999, announced the formation of three committees to prepare legislative packages within the framework of unifying and developing Palestinian laws.

should be abolished. As a first step, the PNA should clearly specify the role of this Court. It should provide access to the public and a credible right of self-defense with an option to appeal cases in a Higher Court”³⁰.

The Legislative Committee (*diwan al fatwa wal tashree*) associated with the Ministry of Justice plays an active role in assisting the PNA and the PLC to have the necessary legal packages. The “diwan” is in the process of improving its capacity to be ready to meet challenges. There has been a marked increase in the cooperation between this body and the Legal Committee of the PLC.

1.3.2 Lawyers

The union of the lawyers in Palestine has continued work to regulate the practice of law, especially for trainees. Two centers were established for the union; in Ramallah and in Gaza. The tradition for lawyers to make an oath in front of the Union Head and the Chief of the Higher Appeal Court was resumed after many years of disruption.

However, the Council of the Union has been appointed. No elections were held to determine membership in the Council.

Lawyers complain about procedures applied in courts, especially the implementation of decisions taken by courts. On several occasions, the Council of the Union declared strikes. Several statements were issued calling for the respect of rights, the rule of law and allowing lawyers to carry on their work within conditions that guarantee legal justice.

1.3.3. Alarming Issues Related to the Judicial Authority

1. State Security Court

On the 7th of February 1995, President Yasser Arafat announced the formation of the State Security Court, based on articles 23 and 59 of the constitutional system of Gaza issued by the Egyptian Administration concerning the formation of Military Courts on the 5th of March 1962. The General Controller’s report presented on the 3rd of January 1999 to the PLC clearly stated that the State Security Court contradicts with several resolutions and agreements, including the resolution taken by the Executive Committee of the PLO on the 30th of September 1993, pledging to honor all international

³⁰ Within the context, the International Report, prepared by experts in the US External Affairs Council based in New York, urged the PNA to undertake a series of measures bound to improve the performance of Palestinian Institutions through drafting an official constitution and activating the role of the PLA, together with the separation of authorities, Ibid.

accords and conventions concerning human rights. The report indicates that the State Security Court was convened on April 1995 to view cases of detainees belonging to political organizations opposed to the peace process. Recently, it reviewed civil cases of tax evasion.

So far, 75 detainees appealed in front of the State Security Court. Some received death sentences and others life sentences.

A major criticism leveled against this Court is its being held in secret sessions without allowing families of the detainees or the media to attend. Decisions are taken in a speedy manner without allowing an opportunity for defense. In all cases, it is the Court that appoints the defense attorney. No appeals are allowed. Only the PNA head can endorse the decisions. The convicted could ask for mercy from Him either to annul the decision or lower the sentence.

2. The Death Sentence

There are different attitudes in dealing with the death sentence. While certain countries ban it altogether on the assumption that human life is sacred, others feel it is important in certain cases. In all Arab and Islamic societies, the death sentence is condoned in accordance with Islamic jurisprudence, especially when there is a pre-meditated deliberate killing involved. Several Western societies accept the death sentence. In the United States, every State has a different approach to the matter.

As such, it would be unfair to be critical to the PNA for the principle of passing death sentences. Some Human Rights activists view the death sentence as contradictory to the right for life, while others are critical of the PNA's speedy trials and implementation as a form of diffusing public anger, resulting from a horrendous crime.

Due to the controversy of the issue, we would like to provide a summary of the death sentences issued by the PNA from the beginning until the end of 1999.

Since May 1995 until the end of 1999, Palestinian courts have issued 25 death sentence verdicts in 13 different cases. In 3 cases, the President of the PNA approved the decision and the death sentence was implemented. 13 of the death sentences were decided in military courts, eight in the state security court, and only four in civilian courts. 23 of the death sentence cases were a result of killings. There was one case of membership in a terror organization and espionage with Israel, and another case as a result of public anger against the Authority.

In addition to the reservations related to the death sentence, it should be noted that 21 rulings were issued by non-civilian courts, although the convicted were civilians. The positive part is that the President endorsed convictions only in extreme cases (3 out of 25). This indicates dealing with matters in a delicate manner and the decline in the number of death sentences. In 1995, there were two death sentence verdicts, ten in 1996. It went down to seven in 1997, four in 1998 and in 1999 there was only one execution in February.

3. The weakness of the Judicial System

In addition to the essential problem resulting from the lack of an independent judicial body, the system, which is dependent on the Ministry of Justice, has a number of flaws. The most important is the number of courts.

**Table (5)
The Actual Status of the Palestinian Judicial System**

Location	# of judges		# of courts		Average of monthly cases
	1 st instance - conciliation	1 st instance - conciliation	1 st instance- conciliation	1 st instance- conciliation	
West Bank	15	12	5	9	25000
Gaza Strip	6	12	3	5	16000
Total	21	24	7	14	

The table above indicates that courts have to handle hundred cases a day, while each judge deals with only 40 cases. This explains the situation of frustration prevailing among judges, lawyers and the public. The situation leads to continuous postponement and accumulation of cases, often resulting in issuing verdicts without sufficient scrutiny required for justice.

4. Political Detention

Sources indicate that there were around 400 political detainees held in Palestinian jails during 1999 (256 in Gaza- 144 in the West Bank). A total of 196 were detained after signing the Wye accords, specifically in the night of 28-29 October 1998³¹.

Among those detainees, only 56 appeared in court. Others were released, such as the 37 political prisoners who were released on the 17th of January 1999. The Higher Court of Justice ordered on the 12th of October 1999, the release of 34 detainees. However, the order was not implemented.

³¹ The information is basically derived from the press conference held on the 12th of November 1999 by HAMAS and the Monitoring and Human Rights Committee of the PLA, together with representatives of legal institutions.

Most of the detainees are people accused of belonging to the Islamic Resistance Movement (HAMAS) or the Islamic JIHAD. Some belong to the Popular Front for the Liberation of Palestine (PFLP) and one is a member of FATAH. The locations of detention differ according to the security institution involved. There are six security institutions involved in political detention. Each institution has its own section within the central prison. Reports indicate to non-human detention conditions in small, congested cells. The possibility of inter-mingling among prisoners is very limited. There is no specific system securing visits to political detainees. Every case is handled separately. As far as visits by lawyers and human rights representatives, a special permit is required from the Attorney General. Visits are not possible without the approval of the security institution responsible for the detention.

There are various reports about cases of torture and abuse. However, the severity of treatment measures change among various security institutions. A number of detainees were killed during detention as a result of torture during the last few years (check the table dealing with Security Institutions).

The issue of political detention is a veritable problem facing the PNA. This is reflected from three angles:

- 1) The PNA has security commitments towards Israel linked to signed agreements resulting, at times, in the Palestinian Authority's resorting to collective detention; following military operations staged by certain Palestinian factions. At times, detentions are carried out for preventive considerations, or to collect intelligence information, or simply to prove that the Authority is delivering its part of the job.
- 2) Detaining figures that are considered by the PNA to express extreme political positions, either as a result of declarations to foreign media, or for signing up statements or making declarations that the Authority considers inciting or slanderous. Although these are limited cases, they still fall under the framework of political detention that contradicts the principle of freedom of expression. In many cases, no proper legal procedures are observed in such detentions. Often, they are a means of pressure intended to deter others from taking similar positions.
- 3) In most cases of political detention, required legal procedures are not observed, such as a detention order from the Attorney General or presentation in front of a court within a specific period of time. In certain cases, detainees spend months or even years without any legal procedure. This places question marks about the role of law. It creates a harsh mechanism that allows detaining persons in

mysterious circumstances without knowing their fate. This is a situation existing in oppressive systems. It does not mean that the Palestinian system falls within that category, but disregard of this situation could lead to strong reactions and a backlash.

Strengths

1. Filling up the job of the Attorney General and the Chief Judge coupled with the President's approval of the law concerning the Palestinian union of lawyers.
2. Activating the role of the "*diwan al fatwa wal tashree*" in coming up with new bills for approval by the PNA.

Weaknesses

1. The lack of an independent Judicial Authority. The Judicial System is dependant on the PNA. A law assuring the independence of the judiciary that would regulate the work of the Judicial System at various levels has not been ratified.
2. Severe shortage in the capacity of the Judicial System related to the number of courts, judges and the supportive administrative staff.
3. The on-going role of the State Security Court in a manner that undermines the independence of the judiciary and international commitments towards human rights conventions.
4. The low level of salaries earned by employees of the judiciary is disturbing and affects the fairness required by judges and their associates in carrying on their work.
5. Neglect, in many cases, of the principles and legal procedures required in cases of political and criminal detention
6. Lack of a clear definition of the role of the Ministry of Justice in the deterioration prevailing in the Judicial System.
7. With the exception of the income tax court, there are no specific administrative courts such as labor, minor and municipal courts.
8. The religious court system is still paralyzed since the Chief Judge is outside the country for the last three years.

2. Civil Society Organizations

2.1 Political Parties

The Palestinian people are confronted with one of the most frustrating moods since a long time. Negotiations over basic issues with successive Israeli governments expose contradictions and disagreements. Disinterest and the lack of dialogue creates an extremely dangerous situation that undermines reaching a constructive national unity required to coordinate roles facing

Israeli maneuvers based on creating facts on the ground by means of sheer force.

There were no significant changes in the field of political and party activities during the period covered by the report. There was no change in the bill of political parties following the deep contradictions that emerged between the text of the bill and the situation on the ground. There were a number of statements and positions expressed over hot issues, such as the Wye accords that were effectively frozen, the visit of the US President and the strike of the political detainees. However, updating and activating different political currents, including the comprehensive national dialogue was stalled and subject to relations with the Israeli party.

The current phase, which is crucial to the Palestinian future, requires activating inter-Palestinian dialogue. However, this is missing in an alarming manner. Instead, the leadership is in constant dialogue and consultation with a number of Arab and European capitals and Washington. What is required is not for political factions to dialogue internally or with the Authority, but to engage in a systematic dialogue to mobilize in preparation for the final status issue files that have not been tackled yet. This needs intensive preparation and a strategy that will bring together the collective capacity needed for the future of the Palestinian cause.

The Cairo summit between FATAH, the PFLP and the PDFLP has set the ground for a concrete national dialogue underlining that the main focus should be on consolidating the inner front. Such steps are needed in order to provide a dynamic interaction.

As a result of that dialogue, Abu 'Ali Mustafa (Deputy Secretary General of the PFLP) returned home while the impending return of Nayef Hawatmeh (Secretary General of the PDFLP) faced a hurdle. Mustafa participated in a number of popular meetings that fell short of introducing a meaningful change in the prevailing lines of communication and the mechanisms of a concerted action.

FATAH leadership expressed hope in conducting dialogue with other groups opposed to the peace accords. There are contacts with Sheikh Ahmad Yassin, in his role as HAMAS head, which could be described as dialogue. Demands for activating the role of the Palestine National Council and the Executive Committee of the PLO are heard calling for the re-incorporation of certain factions as a step to integrate the position of Palestinians internally and externally. In order to achieve the basic level of Palestinian objectives, there is a need for regaining Palestinian national unity to enhance the national will.

2.1.1 The National Opposition

Some opposition forces decided to reverse the position of boycott it had endorsed for five years considering that direct democratic dialogue is the best formula to be adopted in order to oppose constructively rather than refrain from participation. While this is a positive step, the question remains whether the opposition can deal with the dialogue in an open manner without setting up conditions to join national institutions and play a role away from slogans. It also remains to be seen whether the PNA is serious in incorporating the opposition in decision-making as the final status negotiations are under-way.

Although the official role of the Palestinian opposition is limited, it actively continued playing a role locally through various activities. These factions have issued statements reflecting their positions on the political situation, specifically on the issue of the declaration of the State.

Some of the opposition factions stress on the need for an internal democratic front. Both the PDFLP and the PFLP have organized grass-root and higher-level gatherings of its members. The Palestine People's Party adopted democratic mechanisms in the election of its leadership, stressing on collective communal approach in the election of the General Secretary and being keen on maintaining a democratic spirit during the convention.

Among the most important issues that were of concern to the Palestinian opposition groups were the issues related to the transitional phase and the declaration of the State, strongly rejecting any alternative to the declaration of the State. It stressed the need for mobilizing international support to bolster Palestinian demands and called for the principle of participation in discussing the core issues facing the Palestinian national agenda.

In a meeting held in Damascus, Palestinian opposition factions have condemned the amendment altering the Palestinian National Charter during the visit of President Clinton to the Palestinian autonomous areas. Hundreds of figures with various positions have rejected the Wye accords out of hand. The PFLP boycotted the meeting held by the PNC, which was attended by President Bill Clinton, claiming that the meeting did not conform to international resolutions that Israel has not applied at all since 50 years. The Front also claimed that Clinton did not attend to protect the Palestinian people and pressure Israel to release prisoners, freeze settlements and Judaize Jerusalem or express solidarity with the right of refugees to return, but he came with a position of bias towards Israel and to oversee the cancellation of the National Charter.

The escalation that accompanied the statement of the 20 was a reminder of previous relations between the leadership of the PLO and the opposition. It was customary that the opposition would take sharp positions and the leadership would accuse the opposition for conspiring with forces that seek to undermine the PLO as the sole legitimate representative of the Palestinian people.

2.1.2 Islamic Opposition

The Islamic Resistance Movement (HAMAS) is largely silent due to the sharp decrease in its former military activity that could be an indication of a change from the traditional operational methods of the movement. For the last two years, there were no suicide attacks against Israel and the movement participated, as an observer, in the meetings of the Palestinian Central Council that discussed the extension of the interim phase and the postponement of the State declaration.

Although HAMAS supporters still control most student councils in universities and higher education institutions and have a considerable presence in trade unions, most observers view that the movement is retreating militarily and politically since the assassination of Muhyi Eldin the Shareef. HAMAS was weakened following a crackdown by the PNA after signing the Wye River accords.

The appearance of Sheikh Yassin in the program "Witness of an Era" broadcast by the Qatari based satellite channel (Al Jazeera) had a negative impact on HAMAS for more than one reason.

Although HAMAS attended the meeting of the Central Committee, it still refuses participation in PLO institutions. There are clear indications that the movement is facing a serious crisis. HAMAS has lost an important position in Jordan through the deportation of the political bureau head and three prominent leaders to Qatar. This development aroused many questions about the impact that will affect the first and most important Palestinian opposition group. The military wing that was, until recently, one of the most important tools, is largely crippled. Disagreements surfaced between the movement and its political office in Amman, indicating that there are differences between extremist and moderate streams in the movement. There has been a tangible weakening of the movement, despite the declarations by HAMAS that this is a general retreat of various political groups.

According to Secretary General of the Presidency; "Dialogue between the leadership and HAMAS has not yet reached a dead end, but there are differences between the leadership inside that understands the situation on

the ground far better than the leadership abroad, which endorses theoretical positions based on reports it receives – those who live are not like those who cohabit – what prevents reaching a normal status with HAMAS and the Islamic JIHAD is their insistence of not recognizing the Authority and its commitments...”

The movement today is in a dilemma. On the one hand, the crackdown on the military wing has severely impeded HAMAS’s ability to fight occupation. On the other, the political changes on the ground have allowed the Authority to actually control daily life of people, limiting the role of the movement. There are indications that HAMAS is undergoing a process of change, especially after Sheikh Ahmad Yassin’s participating with a delegation from HAMAS in the PNC meetings. As leading member of HAMAS, Sheikh Hassan Yousef stated, the religious ideology confines the movement into positions that hold it hostage to restraints*. The armistice proposed by Sheikh Ahmad Yassin a few years ago is linked to Israel’s withdrawal from the areas occupied in 1967, including Jerusalem.

Observers view that HAMAS is in dire need of defining its relation with the PNA as an important step in participating in political life. Long-standing pending disputes between HAMAS and the Authority are an obstacle to achieve such an agreement.

The assassination of ‘Imad and ‘Adel ‘Awadallah by Israeli troops and the refusal to hand over their bodies together with other people killed are further complications in the thorny relationship between the PNA and HAMAS.

In an interesting development following the freeze on the accords, there were calls for dialogue and national unity. The house arrest imposed on Sheikh Ahmad Yassin was removed and Sheikh Ahmad al Bitawi, one of the most ardent opponents to the Wye accord was released. The spiritual leader of HAMAS declared that the religious opposition would never allow matters to lead into a civil war³².

2.1.3 Parliamentary Opposition

The establishment of a special ministry to deal with parliamentary affairs was a positive model to activate and develop relations between the PLC and the PNA. However, it is too early to detect tangible qualitative achievements in this relationship. In addition to the emergence of a democratic union block, the Islamic block and a FATAH group, a new block has appeared under the name

* Within the context of the “Dialogue” sessions held by the Multaqa with Palestinian opposition groups, a special meeting was held with HAMAS, with the participation of Ahmad Yassin, Dr. Mahmoud Al Zahhar, Isma’il Abu Shanab and Isma’il Haniyeh.

³² Refer to the “Dialogue” with Ahmad Yassin, Ibid.

of “Independent Democratic Bloc” involving four PLC members: Hanan Ashrawi, ‘Azmi al Shu’aybi, Ziad Abu ‘Amer and Kamal al Sharafi*.

All blocs in the PLC reached a position of consensus regarding leaving the issue of deciding over the declaration of the State to the Central Council. The parliamentary blocs acted as groups coordinating positions over different issues proposed in the PLC. There were cases of common positions involving democratic union blocs and national opposition currents outside the PLC. However, relations between the Islamic current in the PLC and Islamic movements outside are chilly. The role of the parliamentary opposition is very limited and does not allow for a real change because of FATAH’s domination as a majority, supporting in general the positions of the PNA. A large number of FATAH members are also PNA ministers. However, one should not underestimate the current parliamentary opposition that constitutes a new development that could have ramifications in future. So far, it had exposed and confronted a number of malpractices.

Strengths

1. Existing exchange and cooperation at different levels of responsibility between the PNA and Palestinian opposition through high level dialogues and understanding accords.
2. Cohabitation and actual understanding between the Authority and the religious opposition, even if it is limited.
3. The emergence of organized forms of parliamentary opposition.

* The Multaqa held a session on the 26th of October 1999 with the Democratic Alliance Bloc to review the agenda of the Bloc. An elaborate discussion concerning the role of the different blocs followed as to how to activate the functioning monitoring work of the PLC. Participating were Members Rawiya Shawwa, Hasan Khreisheh, Muawya El Masri. Another meeting was held on the 17th of March 1999 with members of the Islamic Bloc within the Council, for the same purpose, with Sheikh Wajih El Yaghi and Sheikh Fuad Eid.

Weaknesses

1. Even if the national accords have taken a serious and practical form, they did not reflect themselves on the ground in religious and institutional performance.
2. Severe disagreements, actions and reactions between certain currents and the Authority did not contribute towards providing the democratic process respectability.
3. The secular opposition currents are in crisis and limited in its ability to mobilize wide sectors of people in the process of democratic construction and addressing the integrated transformation of the actual political order.

2.2 Trade Unions and Professional Associations

The Trade Union Movement in Palestine has a long history. It was first established in 1921 under the name of “Arab Workers Society”. Before the Authority assumed control, the trade unions played an active political role.

The central role of the unions is to represent interests of workers through collective negotiation, securing their demands and representing them at the political level, seeking to reach adequate labor laws. In addition, the Trade Union Movement in Palestine had also to conduct political struggle in the national struggle and raising the level of awareness among workers.

Currently, there are two major trade union frameworks:

- Palestine Workers Union, which was the framework formed abroad to represent Palestinian workers in the Homeland and in the Diaspora.
- The General Union of Palestine Workers, which was established in Palestine in 1965.

There is a duality in trade unions and other professional associations such as journalists, writers and teachers- and differences exist in overlapping union activity. The differences are not only political and are not a reflection of the weakening role of political parties. This disperses the energy of the trade union movement, leads to instability and weakens its impact. Most institutions

in Palestine are family owned and lack labor unions. This also applies to most NGOs that do not have representative bodies in general. While many elections are exciting, the impact in the aftermath is limited and does not reflect real dynamism. Many professional associations are internally weak and democratic elections were largely neglected over the last years.

A number of meetings were held between the two major unions in order to unite efforts. However, no significant agreement was achieved. This resulted in providing employers with the upper hand in most cases when labor disputes emerged. Furthermore, there is a considerable neglect in assuring safety and public health requirements in places of work, as well as employing minors who are left with no defense.

However, some minor achievements were made following a number of meetings among labor unions. Recommendations related to labor laws were presented to the PLC. The union felt uneasy in that the PLC did not take into consideration the above-mentioned recommendations.

The General Union managed to train personnel to collect workers' rights and brought together 187 union branches. The incident involving the fire in a lighter factory in Hebron, causing 14 deaths among the working-women, stirred the union to declare the 21st of October a national day for public safety.

In general, the role of the trade unions is limited and ineffective to a large extent. During last year, special trade union activity was required to deal with demands of schoolteachers, doctors and judges. The level of organization was not impressive.

A chronic problem is the low wages of schoolteachers. With the implementation of the financial part in the law, teachers found out that they were not receiving their rights properly. They called for protest steps to improve their situation.

Employees in institutions of higher learning have also gone on a strike calling for an end to the financial crisis facing academic institutions.

The General Union of Palestinian students is holding meetings of its branches in various universities in preparation for the 11th national conference.

The implementation of the law related to the practice of law evoked the protest of the Palestine lawyers union. A temporary strike and sit-in in front of the Legislative Council were staged, including a one-day abstention from appearing in courts as a step to protest against the inefficient judicial system.

Professional unions also face a deteriorating position, unlike the past period when such unions played an important role, not only at the union level, but also in the general national struggle.

There is need for unions to reassess their over-all role and evaluate their performance in order to reactivate their work and serve members. Although the term of the lawyers union has expired more than a year ago, no elections were held.

The journalists' union called for the adoption of the Palestinian print and publication law as the basis for regulating the relationship between journalists and their employers. This came up following police assaults on a number of journalists. The manner in which the last elections of the journalists union was held evoked lot of controversy and criticism.

Although engineers suffer from a decline in the buying power of their wages, their union was unable to do much even with the law of civil service.

Strengths in the trade union situation

1. Introducing some laws and guidelines to organize trade union activity.
2. Widening the number of members associated with trade unions and the General Union.
3. Establishing ties within the international community.
4. Reaching agreements with several parties, including the General Union of Norwegian workers, to deal with issues related to safety and occupational health.
5. The existence of a regular workers' newspaper "the Voice of the Worker".
6. Holding courses and activities to raise awareness among workers and improve trade union performance.

Weaknesses

1. Elections are the basis for the legitimacy of any trade union, association or representative body. No such elections were held.
2. The Executive Committee of the General Union was formed more than ten years ago and has not changed any of its members. It has the same Secretary General.
3. Lack of administrative boards in a number of unions with members not paying their dues or covering financial obligations.
4. The dispersal of trade union activity between the outside and the inside, and the additional divisions inside weaken the whole movement of Palestinian workers.
5. Workers have little (or no) appropriate information about their rights and union work.
6. The low level of union members is coupled with not making it possible for women to run for elections, if they are ever held.

2.3 Civil Society Organizations and NGOs

Civil Society organizations and NGOs are undoubtedly the most active sector in Palestinian society. With the exception of some lull that accompanied the establishment of the PNA in 1994, they have kept an active pace that has been going on since the beginning of occupation until now. In spite of the fact that these organizations have been critical to the performance of the PNA, especially in regards to democracy and human rights, they became so important that the President of the PNA established a special Ministry to deal with them*.

The NGOs follow a course of networking, either to coordinate activity or to defend themselves within broad frameworks. The nature, membership and course of action of these organizations vary. There is a large number of charitable organizations. Some are considered developmental institutions without meeting requirements of being properly registered, even if they are non-profit organizations. Cooperative associations also fall under this category. There are hundreds, even thousands of such organizations. This

* On the 12th of August 1999, the Arab Thought Forum held a special dialogue meeting with groups active in civil institutions within the framework of discussing NGO role in reinforcing democracy and relations with political parties.

does not mean much when considering the type, amount and scope of activity to achieve results. When taking this in mind, the number of effective organizations narrows significantly to be confined to some hundred.

Defining the role of NGOs in our age is subject of broad discussion. One definition says that NGOs are “non-profit associations involved in private activity for the common good, independent from official and government institutions”. This report is not keen to elaborate in the discussion related to the definition of NGOs. However, recent developments in Palestinian society, including the establishment of a Ministry for civil organizations and the PLC’s passing the law involving NGOs, are of importance. The work of the Ministry³³ and application of the law needs to be observed to determine the course of events in the forthcoming period.

The Palestinian civil organization network and the NGOs conducted a number of activities to determine its role within the unfolding course of events requiring regular reassessment of its operation and relationship with both the Ministry and funding sources that do not necessarily take into consideration the priorities and needs of Palestinian society.

NGO representatives have stressed the need to coordinate and cooperate among themselves to specify targeted groups, develop independent sources of funding and agree on a code of honor regulating internal relations and the mode of operation.

The NGO ministerial Committee confirmed the importance of such organizations in the life of Palestinians and the struggle against occupation, together with reinforcing international solidarity. However, it stressed that NGOs should abide by standards of transparency, accountability and resist corruption.

Although NGOs, especially those involved with human rights, play a major role in Palestinian society, it was subject to a dubious campaign that raises a lot of questions. The campaign accused some NGOs of corruption and receiving funds that undermine the national interest.

A hot exchange of accusations occurred with certain elements in the PNA, particularly the Ministry of Justice.

It should be noted that NGOs do not merely compliment the role of the PNA, but are in partnership with the Authority in the process of building and developing various laws, as well as participating in political life. The PLO had traditionally made use of NGOs in carrying out its plans.

³³ While this Report was underway, the President endorsed the law governing civil institutions dated Jan 16, 2000. An amendment was introduced requiring NGO to be registered with the Ministry of Interior rather than the Ministry of Justice, as was stated in the original draft.

Workers involved in civil organizations prefer to be called “civil” rather than “non-governmental” to stress their local and civil character and underline that they are not a recent by-product linked to the establishment of the PNA, as some claim, but a deeply routed sector in society.

The memorandum presented by the network of civil organizations to the ministerial committee stated that “funding the civil organizations decreased by 66% in the years 1994-97. The total annual funding does not exceed \$64 million that include operating huge institutions, such as the Red Crescent, Al-Maqased and Ophthalmic hospitals and all foreign organizations. 23% of this amount is earmarked for education, including subsidizing universities. More than 85% of this funding comes from sources not allocated to the PNA, but from International and European funds supporting civil organizations. In this respect, Palestinian civil organizations are natural counterparts while the PNA is not. If such funds are not used by Palestinian organizations, they will go to other countries, thus placing a heavy burden on the Authority to provide the huge services conducted by the civil organizations”. (The figures provided are based on World Bank estimates).

The establishment of a Ministry for “**Civil Organization Affairs**”³⁴ came at a time when there was an uproar in the work of civil organizations and prior to the approval of the law binding the work of NGOs that would regulate inter-relationships and provide the legal cover. Tensions rose high after the assault against human rights organizations.

Under such a tense atmosphere, the Ministry started a double-folded mission; establishing the Ministry and handling civil organization affairs. Obviously, things did not move smoothly, not only due to the limited time, but also because dealing with civil organizations requires a strong, well-organized and qualified Ministry with means. On both fronts, the Ministry acted to recruit personnel with experience in civil organizations and has undertaken initiatives to get acquainted with the work of NGOs. The Ministry drafted a plan defining the strategy of the work of NGOs and presented it for discussion in open workshops.

Last November, President Yasser Arafat issued a presidential decree specifying the work of the Ministry of Civil Organization Affairs. It included organizing work among Palestinian civil organizations, coordination and cooperation with the Interior and other ministries to regulate registration procedures and follow up on the work of charitable organizations and civil bodies, while providing adequate mechanisms. The decree guaranteed the

³⁴ For methodological reasons, the part dealing with the Ministry of NGO affairs has been included in this part of the Report. The purpose is to integrate discussion of civil organization and the Ministry that was established in the background of the discussion evoking around the NGO’s and their role in the democratic build-up.

freedom and independence of civil activity that would complement the work of the government in providing services.

In the same month, the Ministry presented its proposals and plans for the work of civil organizations seeking to reach a common objective by holding a number of workshops and consulting experts in the field. Reactions among civil organizations were diverse. While some welcomed and actively engaged in these activities, others took a hard line, viewing the Ministry as an unwarranted governmental body encroaching on the work of NGOs.

The Minister for Civil Organization Affairs declared that work is under way to prepare a code of honor for civil organizations in Palestine and that a joint plan of the PNA and civil organizations is forthcoming, including the re-activation of voluntary work.

A Reading on the Situation of the Palestinian Woman

Discussing matters pertaining to women require a structural analysis of the prevailing value-system within society. It involves the nature and the division of power between man and woman within a collective social and economic heritage rooted in Palestinian society where the scale tips heavily to the advantage of the man.

The PNA's arrival has not introduced a qualitative change in the situation of the Palestinian woman. Concepts like rationalism, equality, freedom and rights of the individual, like most Arab countries, have not yet acquired legitimacy and acceptance. However, these are important and necessary concepts in the field of rights for each person to be recognized and accepted without being considered a weaker party. This is the basis ruling the relationship between man and woman, regardless of nationality.

Feminist ideas, in Palestine, are fought with traditional and religious tools, whether based on twisted interpretations of religion and heritage or not. In this respect, the Moroccan thinker, Farida Benani, in her book entitled: "Division of Labor between husband and wife within Moroccan Law and Islamic Jurisprudence" states that (the true nature of jurisprudence is merely a certain interpretation that is open for discussion by each individual. It is a human interpretation by a human understanding. Every reading is not innocent as some scholars point out either in their introduction or epilogue, where they stress that 'we do not claim that what we understood to be the definitive position of Islam, since human opinion is fallible').

- This implies that there are scriptures that allow feminist readings that could pave the way for an Islamic feminist movement similar to liberal women trends.

Attitudes concerning women are often confronted with biased, preconceived ideas that are not based on any scientific ground.

Despite all the limitations and obstacles, the Palestinian woman has practiced the right to vote. Five women were elected to the PLC in the most difficult areas where they scored 18% of the vote, while men scored only 6%.

The Palestinian woman faces a heavy task of asserting her role through various social and political institutions. This should be done in an independent manner, away from the manipulations of the political factions or the PNA and outside the circle of compliments and conflicting interests. The plan of action should not be based along demands set by funding sources, but by the specific social, economic and political needs particular to Palestinian society. To achieve this, laws guaranteeing the rights of woman in family and civil matters are required. In addition, there is need to launch awareness campaigns and introduce fundamental changes in curriculum programs and the media to change the image of woman is an impotent and weak party. Enlarging the concept of development requires the integration of woman within a comprehensive, human and realistic vision. Securing jobs for women in all fields would be a step in the right direction.

The woman movement should come into closer contact with the Palestinian street in order to spread legal awareness and avoid coming into clash with societal opposition that is reflected in all economic, educational and political aspects of life.

It is insufficient to believe in the role of woman in decision-making. What is more important is to mobilize efforts and create pressure groups that believe in social and political change towards the achievement of equality and justice.

2.4 Human Rights Organizations

It has become clear that legal organizations constituting the Council of Human Rights Organizations have no intention of working separately on issues that are of public concern, except in the private plans of institutions. As a result, statements and appeals have acquired a strong collective character, often having effectiveness locally and internationally. The Council of Human Rights Organizations is in the process of preparing a reference document with clear financial guidelines, binding its work and the inter-relationship among members.

The first joint activity of Council of Human Rights Organizations was the march organized on the occasion of the Universal Declaration of Human Rights. The idea was to spread the word that Palestinian society is still actively confronting occupation.

The Council followed different bills on the agenda of the PLC, as well as Israeli measures seeking to Judaize Jerusalem, besieging institutions, I.D. card confiscation, settlements, land and house confiscation, and practices related to Palestinian prisoners.

Following a number of incidents, The Council of Human Rights Organizations unanimously criticized and condemned all measures that undermine basic rights, including the freedom of expression, respect of human life by rejecting capital punishment and political detention.

Occasionally, campaigns are conducted by official PNA bodies against human rights organizations, leveling unjustified accusations. Resorting to legal means should be applied in such cases. The Council has confirmed basic issues related to the independence of the judiciary, rule of law, immunity of PLC members, administrative and financial corruption, and violations in the behavior of security organs, especially in detention and interrogation* .

* The Arab Thought Forum published its General Report on Democratic Formation. It differed from reports produced by other organizations in that it tackled the basic elements within the formation and analyzed various aspects of political, social and party transformation underlining strengths and weaknesses. Special meetings were held to get the feedback of local and internal intellectuals, leaders and activists on the contents of the Report.

2.5 Minorities

- Religious Minorities

Entering the third millennium was an additional opportunity to express the harmony within Palestinian society. The feast of Ramadan and the Christmas season were celebrated jointly within the same period, culminating the efforts for the Bethlehem 2000 celebrations and reflecting a positive image of Palestinian culture.

However, events in Nazareth have taken a different course. For probably no more than narrow electoral considerations and a limited number of people involved in the incidents, the atmosphere was poisoned. Containing matters in Nazareth indicate the maturity of Palestinians and their strong national unity. Bishop Lutfi Lahham, in an article written about the matter, made a remarkable statement; "Woe unto us if we build more mosques and churches and lose our ability to live together"³⁵.

- The Challengers*

The Ministry of Social Affairs runs seven centers for people with special needs involving 480 boarders. It handles 8400 other cases, providing health, food and rehabilitation services with an average allocation of 350 N.I.S per case, amounting to 258,000 N.I.S monthly. However, the needs of this sector are not taken seriously. The law requiring allocating 5% of public jobs to the handicapped is hardly applied. In most public places, special arrangements to meet the needs of groups with special needs are not seriously taken into consideration.

- The aged

There are 21 homes for the aged accommodating 460 aged people, mostly women (136 are male). 5700 aged receive health and financial services. Caring for the old is done in the form of private cases. There is no government system to address the needs of the aged, as is the case in advanced countries.

- Minors with special needs

³⁵ Al Quds Newspaper. 25/11/1999.

* The "Challengers" is a term previously used by the Arab Thought Forum to provide a positive tone to the handicapped.

There are 80 minors in several reformatory centers aged 9-18 who were transferred by orders of the Attorney General, courts or the police, following incidents of delinquency.

- **Caring for families of martyrs, the wounded and hostages**

The Ministry of Social Affairs provides services required by this sector in coordination with the Ministry of Prisoner Affairs and the Palestinian Center of Prisoners, as well as a number of civil organizations. Monthly assistance is provided to 7000 cases of which 3774 are families of martyrs, 1445 wounded and 1570 prisoners. The amounts involved are extremely low; they average 345 shekels monthly. Health care is provided in coordination with the Ministry of Health through a family health insurance card. Support for education is carried out in coordination with the Ministry of Education. This assistance does not include support provided by Palestinians in the Diaspora³⁶.

There is a plan to rehabilitate prisoners with a budget of \$40 million, contributed by the European Union and the governments of Switzerland and Italy, affecting 30,000 released prisoners. There are an additional 200 social charitable organizations that provide assistance to prisoners, literacy and adult education, as well as assisting the handicapped.

2.6 Media

There are more than 100 publications that are issued, including three dailies; “Al Quds”, “Al Ayyam”, “Al Hayat”. “Al Quds” is published in Jerusalem, while the other two in areas controlled by the PNA. The long established “Al Quds” is generally independent and is run as a private commercial family enterprise. “Al Ayyam” was published after the establishment of the PNA by private capital. The Editor Akram Haniyyeh is close to the President of the PNA. Nabil ‘Amer, member of the PLC who became Minister of Parliamentary Affairs, edits “Al Hayat”, which is funded by the Authority. In spite of the varying levels of independence, all three papers are loyal to the Authority and would not publish anything that would anger it. In few cases when this happened, distribution of the paper was banned in areas under the control of the Authority, like in the case of “Al Quds”.

Although the dailies impose self-censorship, freedom of opinion and expression is reasonable but not absolute. There are indications that certain news and ads are censored whenever they involve certain sensitivities and

³⁶ Figures extracted from the Report of the Ministry of Social Affairs within the General Report of the Council of Ministers.

news of concern to the Authority is focused³⁷. The answer to the question whether the Authority controls what appears in Palestinian papers or not is certainly yes, although it is difficult to assess the level and form of such control. To be fair, one may pose another question: Don't political systems in the world control papers to serve official policies? Controlled media is a pattern applied in most cases, especially when there are crisis that have a national character and not to serve symbols or vested interests³⁸.

In addition to the dailies, there are a number of weekly and other publications of political groups or NGOs. In general, there is a broad array of opinion that cannot be denied. In spite of the harsh tone of what was referred to as the "Statement of the 20", the strong reaction of the Authority is surprising since many similar statements go unnoticed. One cannot understand the over-reaction of the Authority to a statement that was not read by over 60% of the population, even after the uproar³⁹ and appearing as oppressive. In the same tone, why is a scholar like Abdel Sattar Qasem detained for expressing opinion to a foreign paper or a Mosque Imam detained for criticizing the Authority in a sermon.

Using slanderous, unfounded accusations does not justify a harsh emotional reaction, including the use of violence, which does not follow proper legal measures.

Official radio and TV broadcasting is conducted through the "Voice of Palestine" and Palestinian TV with the regular and satellite channels. In addition, there are 25 private TV and 10 radio channels covering various towns, with the exception of Gaza Strip, where there are no such stations. The spread of such private channels reflects the relative freedom of expression. Many countries, and most Arab States, do not allow private radio or TV stations.

While there is no direct censorship on these stations, their broadcasts are monitored and they could be shut down for temporary periods whenever they come up with something that bothers the Authority. This happened on three occasions in 1999. A number of journalists were detained for short periods and interrogated following the publication of material considered harmful to the Authority. Such measures constitute an intervention in the freedom of expression, but not to an extreme degree. However, such cases should be closely monitored so that they do not recur.

³⁷ Article 19 of the basic law of the PNA, which is a form of constitution stated that "there will be no infringement on the Freedom of Thought and each person has the right of expression verbally, in writing or other means of expression and in art with due consideration to the rule of law".

³⁸ Article 2 of the Print & Publication law #5 of 1955, which is in operation at the PNA, stated that "Press, printing and freedom of thought are guaranteed to each Palestinian who can freely express opinion verbally, in writing, photography or drawing in media and other forums of expression.

³⁹ According to the public opinion polls prepared by the center of research and studies.

The official stations reflect the Authority's positions. While talk shows, broadcast live, might provide a certain degree of freedom of thought and expression, they tend to be traditional and un-objective, especially in News broadcasts that follow the pattern prevailing in the Arab World, with News of the President or the King heading the broadcast even if they are unworthy, including recurring protocol rituals.

Concerning the right of assembly, there is a wide degree of freedom, although there were violations including preventing HAMAS from holding a public rally in Nablus and the Islamic JIHAD holding a march in Gaza in support of Chechnya⁴⁰.

Strengths

1. A clear improvement in the level of institutionalizing civil organizations, whether at the level of legislation related to public institutions or internal organization of NGOs.
2. Work institutions have regained and fostered their role following a period of stagnation during the establishment of the PNA.
3. There have been encouraging trends and cooperation programs between public and private institutions.
4. Improvement in the accountability procedures of NGOs, reflecting a good model in institutional building.
5. There are no indications that there is a systematic policy seeking to stifle freedom of expression

⁴⁰ According to the law of public meetings approved by the PLC and endorsed by the President, there are no strings attached or limitations to the content and liberty of public meetings. The only requirement is providing a written notice to the Governor or Police Chief in the area. The law does not require the approval of either to render the meeting legal. The purpose of notification is to inform in order to take necessary measures which might be necessary to maintain public order.

Weaknesses

1. Sharp increase in the number of new civil institutions. While some introduced qualitative change, others are redundant and unnecessary.
2. The structures of many NGOs are weak and do not integrate with proper institutional building.
3. Stranded attempts to organize civil work are based on partisan considerations.
4. There are indications of practices that undermine freedom of expression.
5. Retreat in the role of trade unions, both at the level of workers and professionals.

Indicator Standard of Democracy in Palestine

Introduction

In line with the Arab Thought Forum's desire to develop mechanisms used in preparing the annual report on "Democratic Formation in Palestine", two workshops were held; one internally and the other involving a number of public figures. This came as a result of a session held to discuss the first annual report where the need for setting up a standard to measure advances or setbacks in the status of democracy was required.

To achieve this, a number of steps were taken to allow specific quantitative measurement tools along the following lines:

- 1. Brainstorming to propose principal indicator trends in the process of democratic formation.**
- 2. Specify and redraft the indicator standard in the form of general principles arranged according to importance and relevance to the Palestinian situation.**
- 3. Specify the main factors constituting the indicator standard to each general principle, being a mechanism that would guarantee implementation of general principles.**

The result was the following:

1: The principle of pluralism and the transfer of Authority through elections.

Indicator standard:

- Conducting Presidential elections.
- Conducting Legislative Council elections.
- Conducting Local Council elections.
- Conducting elections for Civil Society Organization.
- Providing a transparent, fair & properly representative election system.
- Providing mechanisms that can secure orderly transfer of power.

2: The principle of separation of powers and assuring the independence of the Judicial System.

Indicator standard:

- Securing sufficient and efficient administrative and human needs of the Judiciary System.
- Implementing orders, decrees, resolutions and laws issued by the PLC and the Judiciary.
- The existence of exceptional courts.
- Applying emergency laws under normal conditions.
- The PNA endorsement and implementation of laws issued by

the PLC.

- Securing an independent set of reference in the immunity of the Judiciary.

3: The principle of the sovereignty of law.

Indicator standard:

- Securing a constitution or a basic law.
- Equality and equal opportunity before the law.
- Securing unified laws applying to all areas of the country.
- The level of law practice and its respect.
- Professionalism & efficiency of the prosecution and Attorney General.
- Securing mechanisms to raise awareness in legal matters.

4: The Principle of respecting human rights and the rights of the citizen.

Indicator standard:

- The level of commitment to agreements and International standards of human rights, incorporating them in Palestinian laws.
- The level of violations of human rights and the rights of citizens.
- The level of respect and acceptance of organizations and activists in human rights.
- Securing mechanisms to disseminate material related to the culture of human rights.

5: The principle of respecting public liberties:

Indicator standard:

- Freedom of thought, expression and creed.
- Freedom of political, civil, syndic and social organizations.
- The freedom to demonstrate, hold public meetings and strikes.
- The freedom of publishing and media.
- Respecting minority rights.
- Equal opportunity to access the means of media.

6: The principle of participation in decision-making:

Indicator standard:

- Respecting the parliament's right to freely pass legislation, without "external" intervention.
- Providing mechanisms to enhance transparency and having access to information without discrimination.
- Mechanisms that guarantee the participation of civil society institutions in the process of decision-making.
- Resorting to plebiscites to decide upon vital and critical issues.
- Securing mechanisms that would favorably enhance the role of women and marginalized groups in decision-making.
- The level of tribal, factional, confessional and nepotistic factors in decision-making.

7: The principle of securing control mechanisms & their independence.

Indicator standard:

- The level of providing mechanisms to control the Judiciary.
- Securing mechanisms for Parliamentary Monitoring.
- Securing mechanisms for administrative control.
- Independence and efficiency of the General Control Bureau.
- Securing mechanisms to control civil organizations.
- Securing mechanisms to monitor public funds and combat corruption.

8: The principle of respecting institutional work.

Indicator standard:

- The level of providing mechanisms that would assure placing the right person at the right place.
- Distributing functions, duties and powers within the PNA within the rule of law.
- Securing organizational administrative and modern structures to the work of the PNA and NGOs.
- Setting standards and measure to supervise & evaluate performance.

9: The principle of social and economic equal opportunity.

Indicator standard:

- Equal opportunity in access to public resources.
- Mechanisms to assure incorporating all public revenues in the Government budget.
- Mechanisms to prevent monopolies and regulate concessions.
- Securing a system for health and social welfare that would guarantee a minimum wage rate.
- Securing the right to education.

4. Allocating agreed-upon numerical marks to the main principles.

This indicator standard is in the experimental phase which does not allow it to be adopted yet as a means of measuring democratic formation in Palestine for the following two reasons:

1. The model was tested in two forms; first within the Arab Thought Forum team and second with a limited number of public figures. This is insufficient to adopt the proposal standard as a representative sample for measurement.
2. The proposed model is based on opinions of participants in the experiment. Their political backgrounds probably affect the objectivity of evaluation. What is needed is to broaden the circle of discussion, which was not possible within the limited span of time.

The Arab Thought Forum stresses that it is too early to attach numerical

figures to each principle. It is hoped that the methodology will develop into professional and accurate measurement tools that could be announced in the forthcoming report.

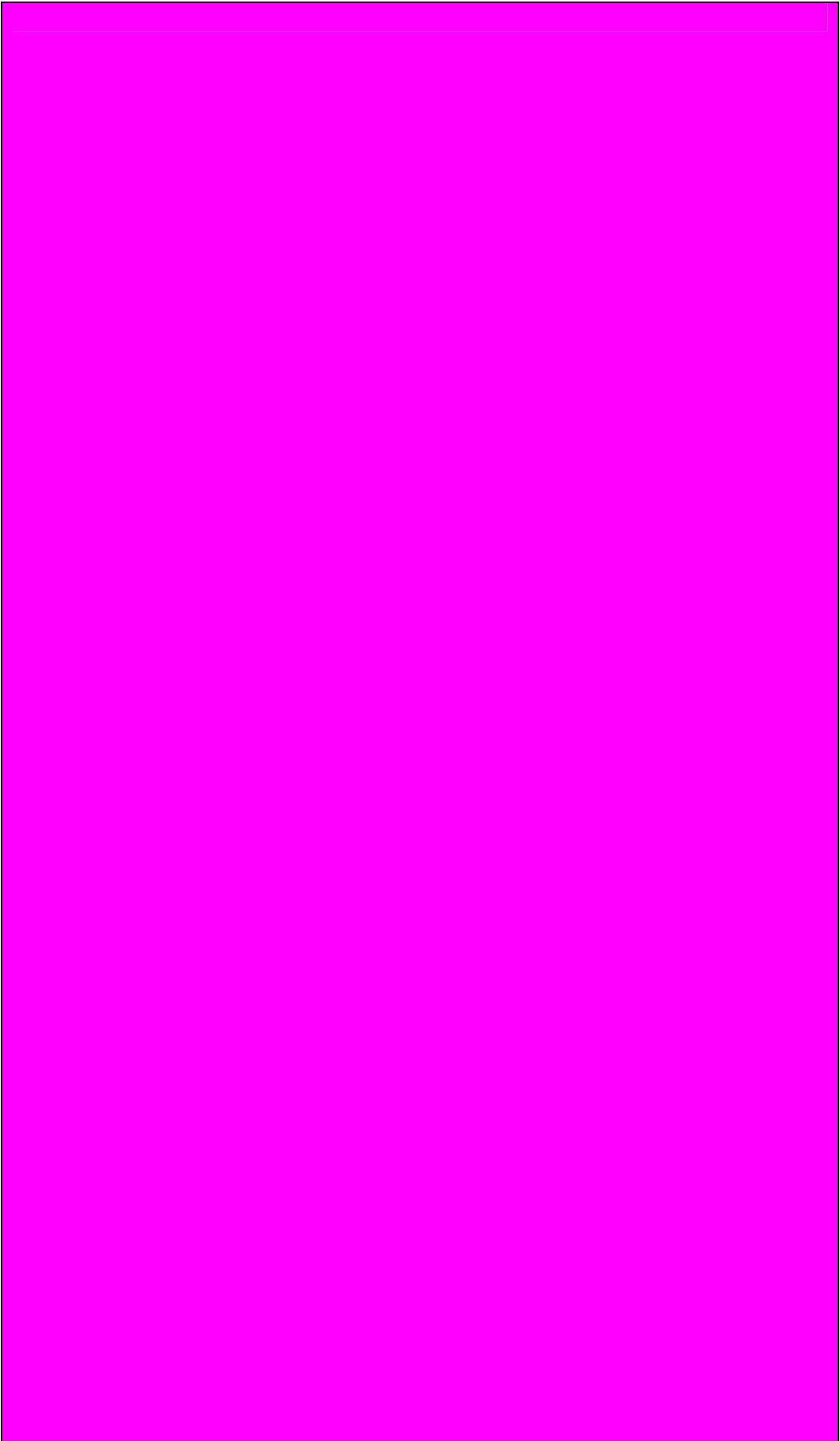
Conclusions

1. The **peace process** is facing an alarming stall as a result of Israeli policies disregarding the achievement of a true peace and seeking to impose hegemony while creating new facts on the ground.
2. The Palestinian leadership is exhibiting alarming patience in responding to **Israeli measures** of deliberate delays in achieving progress and a continuation of the policy of occupation and colonization, as if there was no peace process.
3. The extension of the interim period is deeply affecting the process of Palestinian **internal construction**. Dealing with matters under the assumption that there are temporary measures that are delaying important internal measures, whether in the domain of the march towards democracy, elections or institutional building, including the fight against corruption.
4. While the world and the local Palestinian society expect that the PNA would operate along the lines of legal and proper Government Administration, the Presidency regards that such an administration is only a minor component within a complex picture. Such a disparity in outlook makes it difficult to comprehend administrative violations.
5. The **Council of Ministers** still convenes within the framework of the Palestinian leadership, meaning that there are no independent mechanisms to take ministerial decisions. Such a situation needs to be addressed with a proper division of responsibilities, more decentralization in order to improve government performance.
6. While various Palestinian **ministries and departments** are making clear efforts to improve performance and regulate services, there are still several areas of mismanagement with no adequate mechanisms to deal with flaws. The Higher National Committee for Administrative Development should play a role in addressing this problem.
7. While the **Security Institutions** have proved to be highly capable of combating crime and creating a general atmosphere of safety and public order, there are still unacceptable practices that do not meet the levels needed for the respect of citizens. Specifically, people are still imprisoned without being charged or pursuing proper legal measures required in detention and search. A number have been held for their political positions and convictions.
8. There was a decrease in the level of **physical violence** practiced by Security Institutions, but such measures, especially torture, are ongoing. In certain cases, this is done by instructions from higher levels, in violation of proper legal procedures.
9. The **Civil Defense Department**, which is responsible to care for the inner front, lacks readiness to cope with emerging

problems. The equipment it acquired during last year is insufficient. More important, it needs to update its mode of operation and administration.

10. In spite of the Israeli governments' stalling on their commitments towards the peace process and the continuation of oppressive measures, the Palestinian Authority has been seeking to appease them through further **administrative detentions**, violating the principles of Human Rights.
11. Major **Palestinian towns** are undergoing an active process of infrastructure development and improving performance. However, there are fears that aid from donor countries would shrink. There is dire need to find sources for securing stable revenues through municipal taxes, fees or transferring government funds earmarked to local councils from International sources.
12. While upgrading the status of a number of **villages** into municipalities reflects interest in the countryside, such a step is still largely symbolic as long as it is not linked with a new approach that would secure internally-generated funds through developing the system of tax collection or guaranteeing government subsidies.
13. It is meaningless for the **General Control Bureau** to proceed with its intensive and systematic work without revealing its findings. There is a need to amend the law regulating the work of the Bureau in a manner that would define procedures of follow-up to reports, as well as presenting a copy of the report to the Speaker of the PLC, as is the case in democratic systems.
14. The nature of the interim phase has also affected the **Legislative Council**, even if the impact was less than other sectors. The Council determinedly continued to operate as an Independent Legislative Authority disregarding political limitations imposed on it and took an active role in discussing and approving bills, as well as succeeding in receiving the budget on time.
15. It is not possible to ignore the shake-up in the **credibility of the PLC** following its granting of confidence to the same cabinet that the Council had asked to resign. This affected the performance of Council members and undermined their independence, especially in light of the expiry of the four-year term of the Council's without any signs of new elections.
16. There are serious limitations impeding the PLC's ability to fulfill its **monitoring role** properly. The Council still lacks in providing mechanisms that would subjugate certain sectors to its control and the ability to follow up on the reports of the General Controller.
17. A number of key **judicial positions** were filled through the appointment of the Attorney General and the Chief Judge, which is a step in the direction of upgrading the authority of the Judiciary. However, lack of practical and human means do not allow the Judiciary to play the role of an "Independent Authority", even if the proper constitutional environment existed.

18. There is a great level of unease at the existence of a **parallel judiciary** operating under emergency rules, in the form of a State Security Court and a Military Attorney General. Many civil and political cases are geared to this parallel channel without being subject to civil and legislative control.
19. Important steps were taken to enhance **national dialogue** with different parties involved in various degrees and forms. However, the dialogue is still far from affecting political and institutional performance.
20. **Opposition** currents are still in a state of crisis in dealing with the grassroots and their ability to move wide sectors of people in the overall democratic building process within the current political system.
21. **The trade unions** are in a remarkably weak position. The activities of union members prevail over the ability of the syndicate councils. Instead of making efforts to improve performance, union leaders tend to raise slogans in order to contain protests of the grassroots.
22. The Palestinian **Civil Organizations** have succeeded in resuming their role after the lull they encountered during the initial establishment of the PNA. The establishment of a special ministry to deal with Civil Organizations and the passing of the law related to civil work requires, more than ever, abidance by the principles of transparency, accountability and combating corruption as a prerequisite for its fulfilling a central role in Palestinian society.
23. In the work of Civil Institutions in this phase, the role of **Human Rights Organizations** is the most delicate. In addressing basic issues related to general rights and applying proper legal measures, it has to follow a disciplined, dedicated course of action not only to be a model, but also to add credibility and vitality to its role and positions.
24. The efforts by **Palestinian women** through social and political institutions are still limited in dimension and short of expectations. There is a need to widen the communal developmental concept of integrating in a human and a realistic way to allow women to play a better role in all fields.
25. The PNA could boast that the level of **freedom of expression** in its areas is better than most surrounding countries. However, recent events indicate that the Authority was sensitive towards certain symptoms of freedom of expression resulting in reactions and over-reactions, which were not common previously. Such behavior could have a negative impact in the future between the leadership and the public. It is useful to be careful not to gradually alienate people keen on being responsible and offering advice and positive criticism, with a sense of belonging, into a state of alienation and detachment that could lead into models of harmful polarization.



APPENDICES

Appendix #1
Executive Committee of the PLO

Name	Position	Telephone	Fax
Yasser Arafat	Chairman of Executive Committee	07-2822365	07-2822366
Farouq Kaddumi	Political Section	+230105 002161	+233816 002161
Mahmoud 'Abbas	Secretary General	02-2985886	02-2985887
Yasser Abed Rabbo	Information Department	02-2954044	02-2986204
Zakaria Al Agha	National & International Department	07-2823224	07-2824070
Mohammed Zuhdi Al Nashashibi	Economic Department	07-2863994	07-2820696
Yasser 'Amer	Education Department	02-2927886	02-2986465
Ass'ad Abdel Rahman	Refugee Affairs Department	02-2984801	02-2984802
Suleiman Alnabbab	Social Affairs Department	02-2987711	02-2987932
Faisal AlHusseini	Jerusalem Affairs	02-6273330	02-6274020
Samir Ghosheh	Member	02-2985895	02-2985607
'Ali Ishaq	Member	02-2988797	02-2958797
Mahmoud Isma'eel	Member	07-2847944	07-2846944
Emil Jarjou'i	Member	02-5828066	02-2347452
Riad AlKhudari	Member	07-2824010	07-2823138
Abdel Rahim Mallouh	Member	02-2959767	02-2959768
Ghassan Shak'a	Member	09-2379313	09-2374690
Tayseer Khaled	Member	02-2954438	02-2980401
Salim Al Za'noun	Chairman Palestinian National Council	07-2824489	07-2824164

Appendix #2

Council of Ministers of the PNA

#	Ministry	First Council (April 94-June 96)	Second Council (June 96-March 98)	Third Council (March 98-)	Telephone	Fax
1	Finance	Mohammed Z. Nashashibi	Mohammed Z. Nashashibi	Mohammed Z. Nashashibi	07-2820696	07-2820696
2	Education	Yasser 'Amer	Yasser 'Amer	"Vacant" ¹	02-2984119	02-2985559
3	Culture & Information	Yasser Abed Rabboh	Yasser Abed Rabboh	Yasser Abed Rabboh	02-2954043	02-2954043
4	Labour	Samir Ghosheh	Samir Ghosheh	Rafiq Al Natsheh	07-2820265	07-2867109
5	Social Addairs	Intisar Al Wazir	Intisar Al Wazir	Intisar Al Wazir	02-2955723	02-2986182
6	Tourism and Archaeology	Elias Freij	Elias Freij	Mitri Abu 'Eitah	02-2770604	02-2743757
7	Planning and International Cooperation	Nabil Sha'th	Nabil Sha'th	Nabil Sha'th	07-2829260	07-2824090
8	Jerusalem	Faisal AlHusseini	Faisal AlHusseini	Ziad Abu Zayyad	02-6282159	02-6273388
9	Health	Abdel Hafiz Al Ashhab	Ryad Al Za'noon	Ryad Al Za'noun	07-2826101	07-2824824
10	Justice	Freih Abu Medden	Freih Abu Medden	Freih Abu Mdein	07-2822231	07-2867109
11	Local Government	Sa'eb 'Ereiqat	Sa'eb 'Ereiqat	Sa'eb 'Ereiqat	02-2321065	02-2321240
12	Civil Affairs	Jamil Al Tarifi	Jamil Al Tarifi	Jamil Al Tareefi	02-2987334	02-2987335
13	Waqf and religious affairs	Hassan Tahboub	Hassan Tahboub	"Vacant"	02-2798813	02-6282085
14	Commerce and economy	Ahmad Qrei'	Maher Al Masri	Maher Al Masri	02-2981214	02-2981207
15	Agriculture	--	Abdel Jawad Saleh	Hikmat Zeid	02-2961080	02-2987422
16	Industry	--	Bashir Al Barghuthi	Sa'di Alkarnez	07-2824884	07-2823343
17	Transportation and communication	Abdel Aziz AlHaj Ahmad	'Ali AlQawasmi	'Ali AlQawasmi	07-2822297	07-2822297
18	Supplies	--	Abdel Aziz Shahin	Abdel Aziz Shahin	02-2400895	02-2987895
19	Housing	Zakaria Al Agha	Abdel Rahman Hamad	Abdel Rahman Hamad	02-2987704	02-2957544
20	Interior ²	--	--	"Vacant"	02-2959395	02-2958588
21	Post & telecommunications	--	Imad AlFaluji	Imad AlFaluji	02-2951499	02-2986556
22	Public works	--	Azzam Al Ahmad	Azzam Al Ahmad	02-2404181	02-2987890
23	Higher Education	--	Hanan Ashrawi	Munther Salah	02-2954490	02-2954518
24	Youth & Sports	Azmi Shu'aibi	Talal Sider ³	"Vacant"	07-2822743	07-2822736
25	Parliamentary affairs	--	--	Nabil 'Amer	02-2960872	02-2981101
26	Prisoner affairs	--	--	Hisham Abdel Razeq	07-2834446	07-2847158

¹ President Arafat fills the job of the Minister of Education.

² President Arafat fills the job of Minister of Interior.

³ Mr. Talal Sider was released from the job of Minister of Youth & Sports. He is minister with no portfolio.
N.B. Shaded areas indicate the ministers' membership in the PLC.

27	Environment affairs	--	--	Youssef Abu Safieh	07-2847208	07-2847198
28	NGO affairs	--	--	Hassan 'Asfour	02-2401371	02-2401372
29	Secretary General- Council of Ministers	--	Ahmad Abdel Rahman	Ahmad Abdel Rahman	07-2824670	07-2822139
30	Secretary General- The Presidency	--	AlTayyeb Abdel Rahim	AlTayyeb Abdel Rahim	07-2824170	07-2824604
31	Bethlehem 2000	--	Nabil Kassis	Nabil Kassis	02-2777175	02-2742227
32	Minister of State	--	--	Salah Al Ta'mari	02-2770370	02-2770369

Appendix #3

Official Palestinian Departments and Institutions

Institution	Official in charge	Telephone	Fax
Palestine Legislative Council	Ahmad Qrei'	02-2400713	02-2987719
Palestinian Economic Council for development & reconstruction	Mohammad Shtayeh	02-2362300	02-2347041
Palestinian Geographic Center	Yunis AlQawasmi	02-2984711	02-2984712
National Center for Public Administration and Human Resource Development	Mohammad Naja	07-2829260	07-2824090
National Center for Studies and Documentation	Abdillah AlHorani	07-2865716	07-2822028
Palestinian Red Crescent Society	Fathi Arafat	07-2406515	07-2406518
Palestinian Central Bureau of Statistics	Hassan Abu Libdeh	02-2986340	02-2986340
Negotiations Affairs Department	Mahmoud Abbas	02-2963741	02-2963740
Dar Al Fatwa	Sheikh 'Ikrima Sabri	02-6285582	02-6285082
Diwan Al Fatwa and Legislation	Ibrahim AlDaghmeh	07-2829197	07-2829197
Personnel Department	Mohammad Abu Sharee'a	02-2980640	02-2987793
Palestinian Petrol Authority	Harbi Sarsour	02-2954988	02-2954988
Palestinian Environment Authority	Sufian Sultan	02-2929269	02-2929279
Palestinian Tobacco Authority	Ahmad Al Agha	02-2987561	02-2987507
Palestinian Energy Authority	Abdel Malek AlJaber	02-2986192	02-2986192
Palestinian Water Authority	Mohammad Abu Gharbiyyeh	07-2822696	02-2823047
Palestinian Monetary Authority	Fuad Bseiso	02-2959920	02-2959922
Martyrs', Families' & Prisoners' Institution	Youssef Jubran	02-2964027	02-2986268
Palestine Airlines	Fayez Zidan	07-2822800	07-2821309
Palestine Standards Institution	Issa Abu 'Arram	02-2964433	02-2964144
Political Guidance Commission	Othman Abu Gharbiyyeh	02-2987618	02-2987619
Palestinian National Archives Center	Mohammad Bheis	02-2349888	02-2349888
Government Computer Center	Ghassan Kaddah	07-2829262	07-2863900
Palestinian Curriculum Development Center	Salah Yassin	02-2406174	02-2401550
Radio & TV Authority	Radwan Abu 'Ayyash	02-2959890	02-2959892
General Control Bureau	Jarrar AlQudweh	07-2827337	07-2821703
Wafa- Palestinian News Agency	Ziad Abdel Fattah	07-2824036	07-2824056

Appendix #4 Palestinian Security Institutions

Institution	Commander	Telephone	Fax
National Security	Naser Youssef	07-2822803	07-2829479
General Security	Ghazi AlJabali	07-2829425	07-2822335
General Intelligence	Amin AlHindi	07-2829015	07-2829312
Military Intelligence	Mussa Arafat	07-2822932	07-2829114
Preventive Security- W.B.	Jibril Rajoub	02-2321274	02-2321273
Preventive Security- Gaza	Mohammad Dahlan	07-2825415	07-2825044
Force 17	Faisal Abu Sharkh	07-2829323	07-2829324
Naval police	Jawad Abu Hassan	07-2833610	07-2833620
Crossing Security	Nathmi Muhanna	07-6713684	07-6713685

Appendix #5
PNA Governorates

Governorate	Governor	Telephone	Fax
Jerusalem	Jamil Othman Nasser	02-2799076	02-2799071
Ramallah & Al Bireh	Mustafa Al Liftawi	02-2958588	02-2986575
Hebron	Aziz Amer	02-2226405	02-2229345
Bethlehem	Mohammad Rashed AlJa'bari	02-2748222	02-2741666
Jericho & Jordan Valley	"Vacant"		
Nablus	Mahmoud Al 'Aloul	09-2383047	09-2389913
Kalkilia	Mustafa AlMalki	09-2942921	09-2492922
Jenin	Zuheir Manasrah	06-2503220	06-2503222
Toulkarem	'Izildeen AlShareef	09-2673334	09-2673334
Gaza	Mohammad AlQudweh	07-2828694	07-2847854
North Gaza	Zuhdi Sa'eed	07-2828704	07-3838684
Khan Yunis	Shaker Bseiso	07-2054506	07-2053035
Rafah	Abdallah Abu Samhadaneh	07-2137500	07-2136475

Appendix #6 Palestinian Judiciary System

Position	Name
Head, Supreme Court of Justice	Sami Sarsour
Head, Court of Appeals	Sami Sarsour
Head, Income Tax Appeals Court	Issa Abu Sharar
Attorney General	Zuheir AlSorani
Deputy, Attorney General	Ass'ad Mubarak
Military Attorney General	Khaled Al Qidreh
Military Attorney General, W.B.	Mohammad Al Bashtawi
Head, Palestine Lawyers Union	Abdel Rahman Abul Naser
Chief Judge	Radwan Al Agha
Grand Mufti	'Ikrima Sabri
Mufti of the Security Forces	Abdel Salam Abu Shkheidem

Appendix #7
Population Figures of Major Towns

Town	No. of people	Telephone	Fax
Jenin	26681	06-2503220	06-2503222
Toubas	11771	09-2574887	09-2574504
Toulkarem	33949	06-2672707	06-2673334
Kalkilia	31772	09-2942920	09-2942523
Salfeet	7103	09-2395787	09-2395803
Nablus	100231	09-2383046	09-2389913
Ramallah	18017	07-2986575	07-2988588
Al Bireh	27972	02-2406440	02-2403341
Jericho	14744	02-2322417	02-2322604
Bethlehem	21947	02-2741667	02-2741664
Hebron	119401	02-2228550	02-2228293
Jabalia	53534	07-2456014	07-2457020
Gaza	291596	07-2828694	07-2828694
Deir Al Balah	34537	07-2530085	07-2531153
Khan Yunis	88628	07-2054845	07-2053155
Rafah	49881	07-2539870	07-2539871

Appendix #8

PLC committees- 4th session *

No	Committee	Name	Position
1. Jerusalem Committee			
1		Ahmad AlZughayar	Chairman
2		Ahmad AlBatch	Rapporteur
3		Ahmad AlShibi	Member
4		Emil Jarjou'i	Member
5		Bishara Da'oud	Member
6		Hakam Bal'awi	Member
7		Hanan Ashrawi	Member
8		Salloum Al Kahen	Member
9		Fuad 'Eid	Member
10		Wajeeh Yaghi	Member
2. Refugees Committee			
1		Jamal AlHindi	Chairman
2		Abed Rabboh Abu 'Oan	Rapporteur
3		Jamilah Seidam	Member
4		Hatem 'Eid	Member
5		Ali Abul Reesh	Member
6		Kamel AlAfghani	Member
7		Karam Zarandah	Member
3. Land & Settlement Confrontation Committee			
1		Salah AlTa'mari	Chairman
2		Qadurah Fares	Rapporteur
3		Bishara Da'oud	Member
4		Othman Ghashash	Member
5		Mufeed Abed Rabbo	Member
6		Mussa Abu Sabha	Member
7		Mohammad Hjazi	Member
8		Zahran Abu Qbeitah	Member

* The Deliberations of the fourth session of the PLC started on March 15, 1999.

	4. Budget & Financial Affairs Committee		
1		Azmi Shu'aibi	Chairman
2		Da'oud AlZir	Rapporteur
3		Jalal Musadder	Member
4		Jawad AlTibi	Member
5		Abdel Fattah Hamayel	Member
6		Abdel Karim Abu Salah	Member
7		Fakhri AlTurkman	Member
8		Fakhri Shaqoura	Member
9		Yousef AlShanti	Member
	5. Economic Committee		
1		Jamal AlShobaki	Chairman
2		Jalal Musadder	Rapporteur
3		Ahmad Irsheid	Member
4		Da'oud AlZir	Member
5		Fayez Zidan	Member
6		Fakhri Shaqoura	Member
7		Hashem Daraghmeh	Member
8		Yousef AlShanti	Member
9		Azmi Shu'aibi	Member
	6. Political Committee		
1		Ziad Abu Amer	Chairman
2		Dalal Salameh	Rapporteur
3		Ibrahim AlHabbash	Member
4		Ahmad AlDeik	Member
5		Ahmad Irsheid	Member
6		Salah AlTa'mari	Member
7		Jamal AlShobaki	Member
8		Hussam Khader	Member
9		Hassan Khreishah	Member
10		Hakam Bal'awi	Member
11		Hanan Ashrawi	Member
12		Rawya AlShawwa	Member

13		Zahran Abu Qubeitah	Member
14		Suleiman AIRumi	Member
15		Abdel Jawad Saleh	Member
16		Othman Ghashash	Member
17		Fayez Zidan	Member
18		Kamal AlSharafi	Member
19		Mohammad AISorani	Member
20		Marwan Barghouthi	Member
21		Marwan Kanafani	Member
22		Ma'awiah AIMasri	Member
23		Mufid Abd Rabbo	Member
24		Mussa Abu Sabha	Member
7. Juridical Committee			
1		Abdel Karim Abu Salah	Chairman
2		Suleiman Abu Sneineh	Rapporteur
3		Ra'fat AlNajjar	Member
4		Suleiman AIRumi	Member
5		Faraj AlSarraf	Member
6		Mohammad AlHorani	Member
7		Mahmoud Da'as	Member
8		Marwan Barghouthi	Member
8. Monitoring & Human Rights Committee			
1		Hassan Khreisheh	Chairman
2		Mussa Alza'bout	Rapporteur
3		Jamilah Seidam	Member
4		Jamal Al Hindi	Member
5		Hussam Khader	Member
6		Burhan Jarrar	Member
7		Ra'fat AlNajjar	Member
8		Rawya Al Shawwa	Member
9		Ziad Abu Amer	Member
10		Abdel Jawwad Saleh	Member
11		Abed Rabbo Abu 'On	Member
12		Ali AbulReesh	Member

13		Kamel Afghani	Member
14		Kamal Sharafi	Member
15		Mohammad Hijazi	Member
16		Marwan Kanafani	Member
17		Mu'awiah Masri	Member
9. Education & Social Issues Committee			
1		Abbas Zaki	Chairman
2		Jawad Tibi	Rapporteur
3		Ibrahim AlHabbash	Member
4		Ahmad AlBatch	Member
5		Ahmad Naser	Member
6		Dalal Salameh	Member
7		Zuhran Abu Qubeitah	Member
8		Qadoura Fares	Member
9		Othman Ghashash	Member
10		Fuad 'Eid	Member
11		Fakhri Turkman	Member
12		Karam Zarandah	Member
13		Mussa Za'bout	Member
14		Wajeeh Yaghi	Member
15		Salah Ta'mari	Member
16			Member
10. Internal, Security & Local Government Committee			
1		Fakhri Shaqoura	Chairman
2		Abdel Fattah Hamayel	Rapporteur
3		Ahmad Shibi	Member
4		Ahmad Naser	Member
5		Burhan Jarrar	Member
6		Suleiman Abu Sneineh	Member
7		Mohammad Hijazi	Member
8		Mahmoud Da'as	Member

Appendix #9

PLC Resolutions

1st of Sept 1998 - 31st of Dec 1999

No.	Resolution no.	Date	Subject
79*	322/11/3	01/09/1998	Approving the Public Works bill – first reading.
80	323/11/3	02/09/1998	Approving the Judicial Authority bill – second reading.
81	324/11/3	02/09/1998	Studying tenders offered by private companies in relation to pilgrimage for 1998.
82	325/11/3	02/09/1998	<ol style="list-style-type: none"> 1. Denouncing Israeli policy towards prisoners and detainees in Israeli prisons. 2. Organizing a public campaign in their support and providing financial assistance. 3. Forming a special committee to pursue matters with PNA sources to implement Council decisions.
83	326/11/3	22/10/1998	Referring the charge against director of Environment Authority involved in water trade in Hebron to the Executive Authority to start an official investigation.
85	327/11/3	22/10/1998	Demanding the treasury to immediately provide needs of Ministry of Health and Education and other Ministries according to priority.
86	328/11/3	13/11/1998	<ol style="list-style-type: none"> 1. Confirming Council resolutions related to land and resisting settlement. <ul style="list-style-type: none"> • The need to establish a land and survey body. • Developing rural areas. 2. Demanding the PNA to include the village of Qubeibeh and the Jerusalem area within the project of Bethlehem 2000. <ul style="list-style-type: none"> • To study the possibility of allowing and endorsing the sale of land by decree. • Providing the needs for the work of Palestinian civil liaison offices.
87	329/13/3	04/11/1998	<ul style="list-style-type: none"> • Expanding facilities at the Karameh crossing point and improve work conditions of workers there and other crossing points as well. • Specifying security responsibility on the crossing point to National Security. • Opening the commercial crossing on a full-time basis.
88	330/13/3	15/11/1998	Confirming PLC resolutions to define and specify powers and duties of the security institutions holding it responsible for the behavior of its members and raising their level of awareness.

* Resolutions prior to this date were published in the previous General Report of the Arab Thought Forum.

89	331/13/3	15/11/1998	<ul style="list-style-type: none"> Define and control the administrative structure of the Ministry of Finance. Forming an official committee of investigation to activate and develop the tax court.
90	332/13/3	15/11/1998	Approval of natural resources bill – second reading.
91	333/13/3	15/11/1998	Combine the bills of caring for the handicapped and public areas for the welfare of the handicapped.
92	334/13/3	15/11/1998	Postponing the health insurance bill in order to present it as part of the overall general health bill.
93	335/13/3	10/11/1998	<ul style="list-style-type: none"> Denouncing the assault on the office of FATAH and opening fire on the peaceful march that caused the killing of a student, Wassim Al Tareefi. Assigning the monitoring committee to follow up on this issue and the results of the investigation.
94	336/13/3	10/11/1998	Accepting the Civil Affairs bill and referring it to special committees.
95	337/13/3	12/11/1998	Approving Civil Affairs bill – first reading.
96	338/13/3	25/11/1998	Approving the general meetings bill – first reading.
97	339/13/3	25/11/1998	Approving Public Works tender bill – second reading.
98	340/14/3	25/11/1998	Approving Judicial Authority bill – third reading – with absolute majority and presenting it to the President for endorsement.
99	341/9a/3z	30/11/1998	Calling upon the higher committee to confront settlement to activate its role at the official and popular level.
100	343/15/3	08/12/1998	Reiterating the need to conduct local council elections before the 5 th of April 1998.
101	344/15/3	08/12/1998	Postponing discussion of the income tax bill.
102	345/15/3	08/12/1998	Referring the citrus observation bill to the economic committee for further study.
103	346/15/3	08/12/1998	Accepting the sewage and wastewater treatment bill, referring it to special committees for study in line with the general discussion.
104	347/15/3	08/12/1998	Accepting the administrative structure bill, referring it to committees in preparation for discussion through the first reading.
105	348/15/3	08/12/1998	Approving the Civil Affairs bill – second reading.
106	349/16/3	08/12/1998	Accepting the income tax bill, referring it to special committees in preparation for discussion through the first reading.
107	350/16/3	21/12/1998	<ul style="list-style-type: none"> Issuing a statement calling on the PNA and the negotiators to place the issue of prisoners at a priority level and denouncing the sniping incidents by Israeli soldiers that led to the killing of four victims and hundreds of wounded in Nablus and Qalqiyia.

108	351/16/3	21/12/1998	Approving the charitable organizations and civil associations bill – third reading, referred to the President for endorsement.
109	352/16/3	24/12/1998	Approving the labor law bill – first reading.
110	353/17/3	05/01/1999	Holding a special session to question the Minister of Finance for not presenting the budget on time according to the regulations of budget and financial affairs.
111	354/17/3	06/01/1999	Approving law practice bill – second reading.
112	355/17/3	06/01/1999	Demanding the PNA to coordinate with UNRWA and the Ministry of Health to restore water, irrigation and sewage networks in 'Ein Beit Alma' camp.
113	356/17/3	06/01/1999	Approving the handicapped rights bill – first reading.
114	357/10a/3		Blaming the PNA for not responding to a PLC demand to attend a session to discuss the monitoring committee's report related to political detainees.
115	358/17/3	07/01/1999	Approving the commercial agents bill – first reading.
116	359/10a/3	13/01/1999	Forming a committee of the Council Presidency, Minister of Parliamentary Affairs, a chairman and a rapporteur to follow with the President the issue of political detainees.
117	360/18/3	26/01/1999	Forming a committee including representatives of the Legislative, Budget and Parliamentary Affairs committees to study the application of the Civil Service law.
118	361/11a/3	28/01/1999	Blaming the Council of Ministers for the delay in presenting the PNA general budget for 1999, holding it legally responsible and setting a deadline, which, if not honored, would call for a special session to block confidence.
119	362/19/3	09/02/1999	Demanding the PNA to implement Council decision # 59/6/1 issued on the 20 th of June 1999, calling for the freeze on deducting 5% and assigning the education and social affairs committees to follow up on the issue of prisoners strike.
120	363/19/3	10/02/1999	Declaring the 7 th of March as an annual day for democracy in Palestine.
121	364/1/4	15/03/1999	Setting the date of the 25 th of March 1999 as the day for holding a special session to block confidence from the Government if the General Budget for 1999 is not presented by that date.
122	365/1/4	16/03/1999	Approving the handicapped rights bill – second reading.

123	366/1/4	16/03/1999	Forming a fact-finding committee to investigate events in Rafah.
124	367/1/4	17/03/1999	<ul style="list-style-type: none"> • Assigning a PLC committee to study sending a letter to the US Congress and American public opinion to explain the Council's position towards the declaration of the Palestinian State. • Assigning a committee to draft a letter in the name of the Council to the European Union, praising the even-handedness of its position.
125	368/1/4	17/03/1999	Prepare proposals for activities to be held on Land Day.
126	369/2/4	06/04/1999	Expressing concern to the plight of International Gaza Airport landowners in Rafah.
127	370/2/4	06/04/1999	Holding a special session before the end of April to discuss the issues of Jerusalem and settlement.
128	371/2/4	06/04/1999	Approving the law practice regulation bill – third reading, referred to the President for endorsement.
129	372/2/4	06/04/1999	Speeding up in dealing with events in Rafah district and activating the judicial procedure, calling for the dismantling of the State Security Court, restricting the powers of the security institutions and banning the use of arms in confronting peaceful marches and demonstrations.
130	373/3/4	20/04/1999	The political committee report about the 4 th of May 1999 and discussion over Jerusalem and settlement.
131	374/3/4	20/04/1999	Approving the commercial agents regulation bill – second reading.
132	375/3/4	21/04/1999	Approving the Civil Affairs bill – third reading, referred to President for endorsement.
133	376/3/4	21/04/1999	Accepting the print and publication bill and passing it over to special committees for study, prior to first reading.
134	377/4/4	11/05/1999	<ul style="list-style-type: none"> • Confirming the need for holding the Central Committee session on schedule in June to complete discussion over the issues of ending the interim phase and declaring statehood. • Issuing a statement over Orient House in Jerusalem.
135	378/4/4	12/05/1999	Endorsing the agreement signed between the Economic and Social Development Arab Fund and the PNA.
136	379/5/4	25/05/1999	<ul style="list-style-type: none"> • Requesting the Ministry of Education to require universities and colleges to abide by work regulations. • Requesting the PNA to honor the endorsement of the Ministry of Higher Education on certificates and diplomas according to proper procedures. It also called for the release of funds earmarked to universities.

137	380/5/4	25/05/1999	Postponing discussion of the Medical Council bill until the completion of the health law regulation.
138	381/5/4	25/05/1999	Requesting the PNA to focus attention on rural areas, education in Jerusalem and social affairs subsidies.
139	382/5/4	25/05/1999	Discussing land registry issue in Palestine.
140	383/5/4	25/05/1999	Approving the handicapped bill – third reading, referred to President for endorsement.
141	384/5/4	25/05/1999	Rejecting the print and publication bill since a decree endorsed by the President was already issued and promulgated in the official gazette on the 29 th of August 1995.
142	385/5/4	27/05/1999	Approving the Environment bill – first reading.
143	386/5/4	09/06/1999	The Council expresses alarm for the PNA's slowness in dealing with the impending draught, referring recommendations presented by members to special committees.
144	387/6/4	09/06/1999	Approving of the public works tenders' bill – third reading, referred to President for endorsement.
145	388/4a/4	22/06/1999	Confirming PLC resolution # 39/6/1 issued on 22-23 May 1996 in connection with demanding the PNA to establish a special body or authority to deal with survey and lands.
146	389/7/3	23/06/1999	Demanding the PNA to document war crimes committed against the Palestinian people with the intention of presenting perpetrators to International courts of tribunal.
147	390/7/4	23/06/1999	Demanding the PNA to speed up the issuance of the Judiciary Authority Law and form Judiciary Councils, abolish State Security Courts, activate the General Control Bureau, while honoring its independence and implement council decisions concerning political detention, limiting powers of security institutions, filling up vacant ministries and proceeding to prepare for local council elections.
148	391/7/3	23/06/1999	Accepting the traffic control bill, referring it to special committees in preparation of discussion through the first reading.
149	392/7/4	24/06/1999	Postponing the second reading of the Labor bill in light of proposed suggestions.
150	393/7/4	24/06/1999	Postponing the second reading of the Environment bill calling for redrafting according to proposed suggestions.
151	394/7/3	24/06/1999	Approving the commercial agents' regulation bill – third reading, referred to President for endorsement.

152	395/7/4	06/07/1999	Postponing the first reading of the Administrative Structuring bill until completing meetings with governors and relevant parties, calling for announcement in local papers.
153	396/7/3	06/07/1999	Approving Environment bill – second reading.
154	397/7/4	06/07/1999	Accepting the Arbitration bill, referring it to the Legislative Committee to prepare discussion through the first reading.
155	398/8/4	06/07/1999	Postponing the second reading of the Labor bill to provide an opportunity for study by relevant parties.
156	399/8/4	07/07/1999	Referring the issue of continuing settlement and home demolitions in Palestinian lands for study by the political committee and the committee of lands and confronting settlement and presenting a report to the Council.
157	400/9/4	20/07/1999	<ul style="list-style-type: none"> • Demanding the President's approval to issue a Judicial Authority law, calling for the formation of an upper Judiciary Council. • Demanding the PNA to complete appointments in the Judiciary and reorganizing the Judicial System in accordance with the Judicial Authority law.
158	401/3/4	21/07/1999	Releasing funds allocated to universities on time and increasing support for higher education, while abiding by a unified university salary rate approved by the Ministry of Higher Education.
159	402/9/4	28/07/1999	Dropping discussion of the Administrative structuring bill.
160	403/9/4	12/5a/1999	Approving the General Budget of the PNA for the fiscal year 1999.
161	404/9/4	14/6a/1999	Demanding the budget and financial affairs committee to present the report on the General Budget for 1999.
162	405/10/4	19/10/1999	Providing a one-time support to the prisoners' fund from salaries of PLC members and employees and channeling the amount through the Council treasury.
163	406/10/4	19/10/1999	<ul style="list-style-type: none"> • Demanding the PNA to endorse and implement the Judicial Authority law. • Abiding by the laws related to fire arms, ammunition, publication rights and the freedom of press. • Putting an end to collection of funds that are not based on law.
164	407/10/4	27/10/1999	Accepting punishment procedures' bill, referred to specialized committees for study, prior for discussion through the first reading.

165	408/10/4	27/10/1999	Approving the Labor bill – second reading.
166	409/10/4	03/11/1999	Approving the Administrative structuring bill – first reading.
167	410/11/4	18/11/1999	Approving the Law practice regulation bill - second reading.
168	411/11/4	23/11/1999	Approving the Arbitration bill – first reading.
169	412/11/4	24/11/1999	<ul style="list-style-type: none"> • The Budget Committee undertakes with the Minister of Finance and the Ministerial Committee to implement resolution # 403/5a/4 issued by the Council regarding matters that were not achieved according to the 1999 budget. • The Budget Committee starts study of the General Budget of the year 2000; on condition it completes its work before the end of the current year.
170	413/11/4	25/11/1999	Demanding the PNA to increase funds allocated to reformatory and rehabilitation centers, and calls for the stop of using some of these funds by security institutions. The PLC called for dealing with security prisoners within the rule of law. It called the Health Ministry to provide needed medicaments to prisoners free in conjunction with the Social Affairs Ministry. It also called for using the reformatory and rehabilitation center as a model to other such centers in the country.
171	414/12/4	01/12/1999	Accepting the standards and measurements law # 55/99/a referring it to specialized committees for study, prior to first reading.
172	415/12/4	01/12/1999	Accepting water bill # 59/99/m.o, referring it to specialized committee, prior to first reading.
173	416/12/4	01/12/1999	Accepting the judicial fees project # 58/99/m.o, referring it to specialized committees for discussion, prior to first reading.
174	417/12/4	01/12/1999	Accepting bill # 57/99/m.o, related to establishing a fund to compensate farmers in cases of natural disasters, referred to specialized committees for discussion, prior to the first reading.
175	418/12/4	01/12/1999	Accepting supplies' bill # 45/99/m.o, referred to specialized committees for discussion prior to the first reading.
176	419/12/4	01/12/1999	Accepting authors and copy rights bill # 46/98/e, referred to specialized committees for discussion prior to the first reading.
177	420/12/4	01/12/1999	Accepting the bill for regulating agricultural pesticide trade # 52/99/m.o, referred to specialized committees for study prior to the first reading.
178	421/13/4	14/12/1999	Demanding the PNA to provide medication abroad and the Ministry of Health to support local services, calling upon the Ministry of Finance to abide by the budget, assuring priority to allocations of the Ministry of Health.

179	422/13/4	14/12/1999	The recommendations of the Economic Committee concerning the concession granted by the PNA to the Palestinian Electricity Company.
180	423/13/4	15/12/1999	Demanding the PLO and the PNA to insist that UN Resolution 194 is the term of reference in the negotiations dealing with refugees and the rights of return.
181	424/13/4	15/12/1999	Accepting the bill of regular court formation, referred to specialized committees for study – first reading.
182	425/13/4		Approving the traffic bill – first reading.

Appendix #10

Decrees issued by the President of the PNA and published in the Official Palestinian Gazette until the end of December 1999 (8 decrees)

No.	Decree	Gazette no.	Pages	Date of publication
1	Decree #6 of 1995 to encourage investment.	5	6	05/06/1996
2	Decree #11 of 1995 concerning exempting diplomatic and consular vehicles' registration and licensing fees.	7	8	25/10/1995
3	Decree #12 of 1995 concerning the establishment of a Palestinian Energy Authority.	7	10	25/10/1995
4	Decree #13 of 1995 concerning Elections.	8	7	11/12/1995
5	Decree #16 of 1995 concerning the Amendment of Election Rules.	10	4	31/12/1995
6	Decree #17 of 1995 concerning the General Control Bureau.	11	7	11/02/1996
7	Decree #1 of 1995 concerning rental of floors, flats and stores.	11	22	11/02/1996
8	Decree #2 of 1996 concerning the establishment of the Palestinian Water Authority.	11	36	11/02/1996

Appendix #11

Resolutions published in the Official Gazette after passing 3 readings and endorsed by the President until the end of 1999 (14 resolutions)

No.	Decree	Gazette no.	Pages	Date of publication
1	Decree #5, 1996, Election of Palestinian Local Bodies.	16	6	30/12/1997
2	Decree #1, 1997, Palestinian Local Bodies.	20	5	29/11/1997
3	Decree #2, 1997, Palestinian Monetary Authority.	21	5	31/12/1998
4	Decree #1, 1998, Encouraging Investment.	23	5	08/06/1998
5	Decree #2, 1998, Firearms and Ammunition.	23	28	08/06/1998
6	Decree #3, 1998, Civil Defense.	24	5	01/07/1998
7	Decree #4, 1998, Civil Service.	24	20	01/07/1998
8	Decree #5, 1998, Branding and Controlling Precious Metals.	24	72	01/07/1998
9	Decree #6, 1998, Centers of Reformation and Rehabilitation.	24	87	01/07/1998
10	Decree #10, 1998, Cities and Free Industrial Zones.	27	5	08/12/1998

11	Decree #11, 1998, Higher Education.	27	28	08/12/1998
12	Decree #12, 1998, Public Meetings.	28	6	13/03/1999
13	Decree #1, 1999, Natural Resources.	28	10	13/03/1999
14	Decree #2, 1999, Civil Affairs.	29	6	17/07/1999

Appendix #12
Palestinian Legislative Council
4th term – 2nd period
Report of the Monitoring and Human Rights Committee

Following a number of complaints that have reached the Committee, we present to your distinguished Council the report of the General Monitoring and Human Rights Committee. The complaints reflect violations of basic human rights and hinder democratic building in Palestine.

First: The Police

1. There are cases of misuse of firearms resulting in the killing of many innocent people at weddings, celebrations and football playgrounds. This is due to the lack of experience in the use of arms and the lack of punitive measures, in addition to insufficient awareness of the dangers resulting from such incidents.
2. There are a series of illegitimate collection of funds throughout the country at crossing points and markets, including booting vehicles without legal justification. Most dangerous is the involvement of elements running special units designed to quickly intervene to maintain public order and administer police stations and prisons. Some of these money collections have taken an official cover through the circular issued by the Director General of the Police to impose 10 shekels on each complaint presented to the police under various pretexts of limiting complaints and covering food and paper work expenses.

3. The continued licensing of stolen vehicles by the police and allowing it to operate, competing with regularly licensed vehicles, meeting requirements of the Ministry of Transport. This procedure encourages car theft and the ensuing phenomena of gang activity that deprives self-respect and decent public behavior.
4. The continued assault on journalists, including interventions involving the confiscation of cameras and films, in a clear violation of article 2 of the Print and Publication Law of 1995.
5. There are several cases of refusing to abide by the decisions of qualified courts concerning the release of detainees involved in the possession and dealing with stolen property. This is usually practiced through a decision from the General Commander of the Police, falling under the line: "*authorities invested in me*".
6. While there is a decrease in incidents of torture, the Committee found that torture is still practiced by some elements, whether in detention centers or cases of beating of individuals in public, contrary to standing orders, including shaving hair as a punishment.

The Committee has paid a visit to the Palestinian Police Headquarters and met and discussed with the officials in charge, appreciating the cooperation of the Police Commander in as far as:

- 1) Revealing to the Committee the standing instructions issued to all police forces related to the questions under scrutiny.
- 2) The readiness to fully cooperate with the Committee concerning complaints and visits to detainees held in Palestinian prisons.
- 3) Holding some police members accountable for violating standing instructions.
- 4) Confirming the commitment of the Police Force to implement the standing order #6 of 1998 related to the reformatory and rehabilitation centers.

Second: Military Intelligence

Although a reliable security source announced in the local papers on the 8th of March 1999 that the Military Intelligence has no right to detain civilians, but refer them to relevant parties, arbitrary detentions are still in practice in clear violation of the rights of civilians. Nine complaints from the West Bank and five from Gaza were filed from parents of detainees who were banned from being visited, as well as their lawyers. The Committee has written to the Director General of the Military Intelligence inquiring about detainees in custody. There were no responses to the queries.

Third: General Intelligence

The Committee has received a number of complaints involving extortion, implicating names that kept recurring, implicating the official in charge of Ramallah and his assistant Abu Da'oud. There was a case where somebody had to pay 60,000 shekels, another 20,000 dollars and in a third case, 50,000 dollars.

There was no response to the letters sent by the Committee concerning the matter.

Fourth: Preventive Security

A complaint was filed concerning the confiscation of a computer set valued at 12,800 dollars and a camera from the home of Ibrahim Jamil Mar'i in the West Bank.

Fifth: Political Detainees in Jneid Prison

The Committee visited Jneid prison, accompanied by a representative of parliamentary affairs committee and met with the prison administration and the detainees. The following facts were discovered:

1. 56 detainees are held in Jneid prison, 24 have been detained since 1997, 22 after the Wye Accords, ten have been there since 1998 and 22 have been detained since the new Wye Accords.
2. Political detainees are held under extremely severe conditions and face harsh social and psychological pressures, including:

- i) The recurrent declarations by some officials in the PNA denying the existence of political detentions and claiming that all prisoners are held on the background of military and security charges.
 - ii) Following each internal crisis, the prison administration has exercised pressure over prisoners. When three prisoners managed to escape from prison, the remaining prisoners were held in solitary confinement, deprived from access to telephones, TV, newspapers and family visits.
3. Continued detention has left psychological, health and social scars on detainees and their families, resulting in a state of anxiety and concern due to the lack of clarity of the detention period and the feeling of being held hostage to events and unpredictable political developments. Most detainees support large families that suffer from loss of income as a result of their detention. The PNA often freezes salaries of political detainees working within state institutions.
4. There are no local or international standard procedures for the detention of elements from the opposition, whether in the area of detention or extension of arrest, other than the President's announcement that all armed groups are outside the law, without referring to political organizations.
5. In spite of the decision of the High Court of Justice calling for the release of 34 detainees in Jneid prison, none were released. We, in the Committee, remind our distinguished Council of the repeated resolutions calling for the release of political prisoners and forbidding political detention. We demand the Presidency of the Council to exert all efforts to implement the resolutions, as an important step to separate powers and support the democratic process that involves the Council's assuming the role of defending public liberties and political pluralism, which is seriously undermined by political detention.

Sixth: Violation of Property Rights

The continued violation of property rights is bound to establish a precedent that will be extremely difficult to deal with. Illegal acquisition of items belonging to citizens such as computer, fax, photography equipment, books, cash money and jewelry is of extreme gravity, particularly when it is coupled with arbitrary detention or search procedures that are contrary to legal procedures. This occurs with most Security Institutions and the Committee has followed up individual cases without receiving responses from Security Institutions or reaching results.

Such violations of property rights are contrary to all legal procedures and are in contravention with orderly practices.

Seventh: The Good Record Certificate

Citizens are required to provide such certificates through the Interior Ministry offices in various districts. The role of the Ministry is to refer these applications to the Institution's Security apparatus, which is a combination of representatives of the General Intelligence and the Preventive Security. They jointly decide to grant or refrain from providing a Good Behavior Certificate. In certain cases, people were asked for interviews and questioned about their past activity and their political affiliations.

Complaints received include requiring such certificates for:

1. Cases of people applying for permits of driving public vehicles or driving licenses through the Ministry of Transport and Communication.
2. Cases of applying to establish a private educational institution or university services office through the Ministry of Education.
3. Cases of applying for a license to a Media Institution or the right to issue a newspaper through the Ministry of Information.

Recommendations:

1. Endorsing the implementation of the Judiciary Authority law.
2. Demanding the PNA's abidance by the Firearm and Ammunition Law #2 of 1998 and the Law of Print and Publications in implementation, together with the Freedom of Press Act.
3. Ceasing money collections, unless it is done through the law with receipts accredited by the Ministry of Finance.
4. Demanding the PNA to earnestly and seriously curtail car thefts.
5. Assuring repeated Council resolutions banning illegal political detentions and calling for an immediate release of all political prisoners in accordance with court decisions.
6. Intensifying programs to direct and upgrade performance of security forces so that it can fulfill its role within the rule of law to protect and defend citizens and their properties, avoiding committing mistakes, and presenting a civilized image of its performance.

7. Assuring rejection of all forms of torture and confirming the successive Council resolutions, limiting the powers of Security Institutions to prevent Human Rights violations.
8. Presenting violators working in Security Institutions and dealing with extortion to Military Courts and take punitive action against perpetration.
9. Consolidating measures involved in the procedures of detention, search and control through reinforcing the role of the Attorney General who should be directly responsible, together with activating its role according to standing legislation.
10. Stressing respect of public institutions and ministries by abolishing the system calling for a Certificate of Good Conduct that places the rights of people at the mercy of Security Institutions.

• **Dr. Moussa
Za'bout:**

Rapporteur of the Monitoring & Human Rights Committee

• **Dr. Hassan
Khreisheh:**

Chairman of the Monitoring & Human Rights Committee

Appendix #13 Names and addresses of Human Rights Organizations in Palestine

Institution	Tel.	Fax	Email	URL	Address
AlHaq, Law in the service of man.	02-2956421	02-2954903	Haq@alhaq.org	www.alhaq.org	31 Main Street P.O.Box 1413 Ramallah
Palestinian Center for Human Rights.	07-2824776	07-2823725		www.pchrgaza.com	Omar Mukhtar Street Qadadah Bldg, AlRimal P.O.Box 1204/1328 Gaza
Palestinian Human Rights Monitoring Group.	02-6262463	02-6262378	Eidhr@aquanet.co.il Admin@phrmg.org	www.phrmg.org	2 Abu 'Ubeidah Street AlNuzha Bldg B.O.Box 19918 Jerusalem
Palestinian Independent Commission for Citizen's Rights	02-2960241	02-2987211	Piccr@palnet.com		Mikhmas Center Irasal Street
Amnesty International- Palestinian Group	07-2824311	07-2841605	Amnestv@palnet.com		Khalaf Bldg Southern AlRimal P.O.Box 543 Gaza
Palestinian Human Rights Information Center	6288974	6287070	Phric@baraka.org	www.Baraka.org/phric.html	12 AlMas'oudi Street P.O.Box 2047 Jerusalem
Arab Associates for Human Rights	06-6561923	06-6564934	Hra@g-ol.com	www.arabhra.org	P.O.Box 215 Nazareth 16101

Human Rights Action Project, Birzeit University	02-2982059	02-2810656	hrap@birzeit.edu	www.birzeit.edu	
Badil- Resource Center for Palestinian Residency & Refugee Rights	2747346	2747346	Badil@palnet.com	www.badil.org	P.O.Box 728 Bethlehem
The Mattin Group- Center for enhancing International Human Rights	2954568	2951551	Cigre@netvision.net.il		Ahliyah College Street Ramallah P.O.Box 51678 Jerusalem
Gaza Center for Rights & Law	07-2821282	07-2821282	Gcrl@palnet.com		Al Imam Bldg. P.O.Box 1274 AlRimal- Gaza
Addameer Prisoner's Support Association	2960446	2960447	Addameer@palnet.edu	www.addameer.org	P.O.Box 17338 Jerusalem
Defense for Children International- Palestinian Com	6562963	6562962	Dcipal@palnet.com		AlTahhan Bldg Beit Hanina P.O.Box 55201 Jerusalem
Jerusalem Legal Aid & Human Rights Center	6272982	6264770	Jlac@palnet.com		10 AlAyyoubi Street P.O.Box 20166 Jerusalem
Mandela Institute for Political Prisoners	2955756	2956468	Mandela@baraka.org		P.O.Box 38002 Kafr 'Aqab Jerusalem
Citizen's Rights Center- Arab Thought Forum	2347129	2347674	Multaq@planet.edu	www.multaq.org	P.O.Box 38231 Kafr 'Aqab Jerusalem
Democracy & Worker's Rights Center	2952608	2952985	Dwrc@netvision.net.il	www.dwrc.org	Al Irsal Street AlBakri Bldg P.O.Box 876 Ramallah
Center for the Defense of Liberties	6566050	6566051	Empfdc@grol.com		Beit Hanina- Jerusalem P.O.Box 20793
Jerusalem Center for Women	2347068	2347069	Jcw@palnet.com	www.j-c-w.org	Dahyet AlBareed AlJirbawi Bldg P.O.Box 51630, JRS

Appendix #14
Center for Citizen's Rights
(a) Incoming complaints against departments
November 1998 – December 1999

	Department	No. of complaints	No. of letters dispatched	No. of letters answered
1	Attorney General	18	8	2
2	Military Prosecutor	7	4	0
3	General Police Department	17	4	2
4	General Security	8	3	0
5	Preventive Security	13	5	2
6	General Intelligence	16	2	0
7	National Security	7	2	0
8	Criminal Investigation	1	0	0
9	Military Intelligence	3	1	0
10	Security of Institutions	0	0	0

11	Force 17	0	0	0
12	Ministry of Civil Affairs*	14	2	0
13	Ministry of Tourism	1	0	0
14	Ministry of Prisoners' Affairs	1	0	0
15	Ministry of Post & Telecommunication	5	3	3
16	Ministry of Interior	14	10	8
17	Ministry of Social Affairs	13	5	1
18	Ministry of Local Government	40	12	5
19	Ministry of Transport	10	6	5
20	Ministry of Education	17	5	2
21	Ministry of Higher Education	4	2	0
22	Ministry of labor	1	3	2
23	Finance Ministry	6	4	2
24	Waqf & Religious Affairs Ministry	5	4	2
25	Ministry of Justice	7	5	0
26	Ministry of Health	27	6	8
27	Ministry of Information	3	2	0
28	Ministry of Environmental Affairs	4	6	1
29	Ministry of Agriculture	3	1	0
30	Ministry of Public Works	7	5	1
31	Ministry of Youth & Sports	3	0	0
32	Ministry of Housing	2	1	0
33	Ministry of Commerce & Industry	3	1	0
34	Council of Ministers	5	2	0
35	General Control Bureau	1	4	0
36	General Personnel Department	6	5	1
37	Palestinian Communications Co.*	13	1	1
38	Land Department	1	1	0
39	Water Authority	8	1	0
40	Civil Defense	23	2	3
41	"Bethlehem 2000" project	1	0	0
42	Municipalities	65	20	8
43	Taxation	0	0	0
44	General Information Bureau	0	0	0
45	Central Bureau of Statistics	1	0	1
46	Governorates	14	5	1
47	Orient House	0	0	0
48	Civil Liaison	0	0	0
49	UNRWA	13	4	1
50	Religious Courts	1	1	0
51	State Security Court	0	0	0
52	Monitoring & Human Rights Committee	25	38	6
53	Judicial Committee	3	1	0
54	Education Committee	3	3	0

* The Citizens' Rights Center held an open meeting with the Minister of Civil Affairs to discuss incoming complaints.

* A meeting with Company representatives was held to discuss incoming complaints.

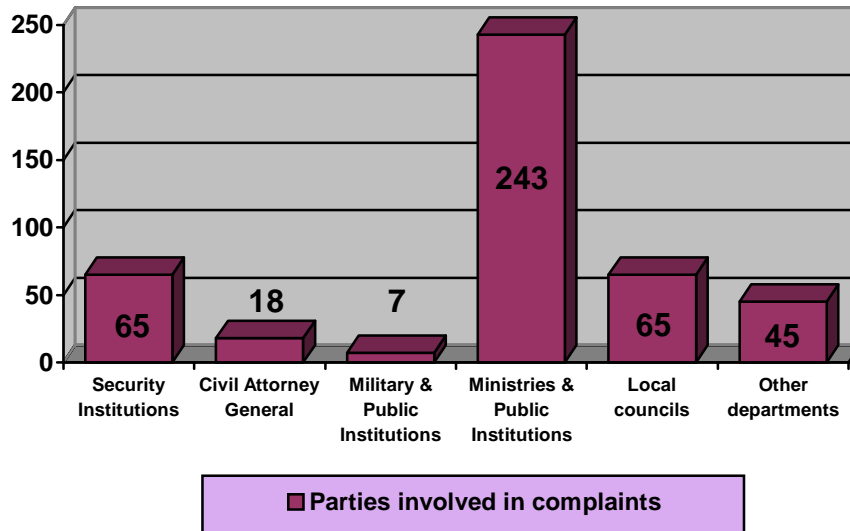
55	General Budget Committee	1	2	0
56	Trade Unions	1	0	0
57	Other Institutions	31	16	5
	Total	496	218	73

Remarks:

1. Taking into consideration that some complaints are still in the process of follow-up.
2. Some complaints involved more than one party.
3. Issued letters involve more than one party concerning the complaint.
4. A special field survey was prepared to deal with complaints related to the Civil Defense Department, including specific recommendations on its work.
5. a) Letters issued by the Citizens Rights Center directly to relevant authorities totals 153 letters.
 - ii) Photocopies of letters issued are 119 letters.
 - iii) There were 46 reminder letters.
6. a) Number of cases taken up and closed: 297 cases.
 - ii) Number of cases still being follow-up: 95 cases.

Appendix #14

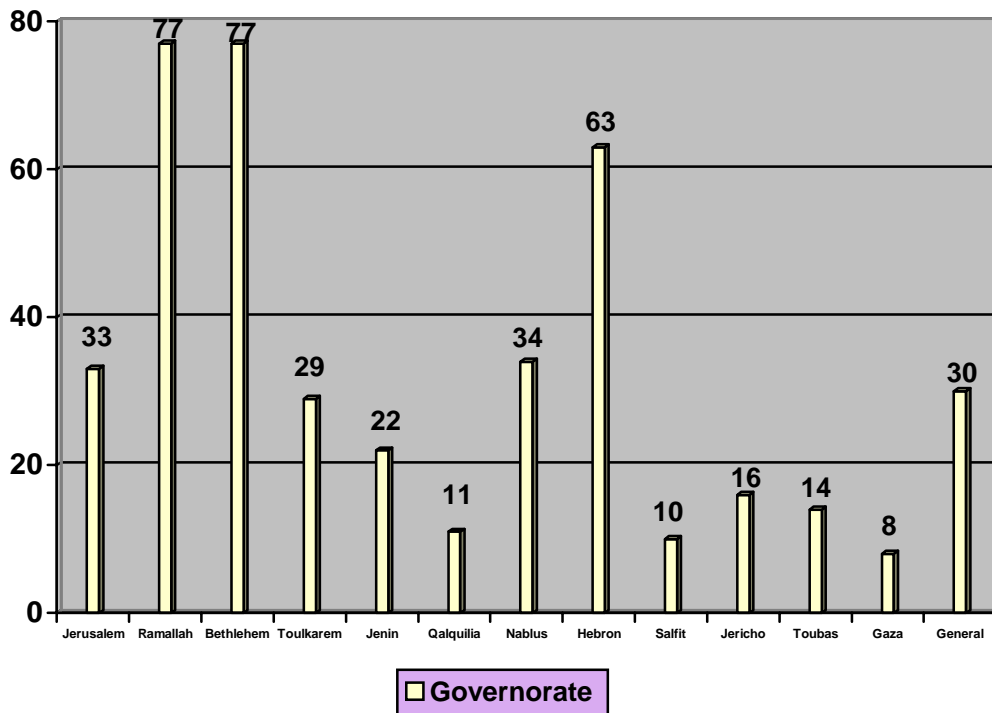
(b) Situation of Incoming Complaints to the Center of Citizen's Rights According to Relevant Institutions (Nov 98 – Dec 99)



Appendix #14

(d) Distribution of Incoming Complaints to the Center for Citizen's Rights According to Governorates (Nov 98 – Dec 99)

Total Complaints: 424



Appendix #15
Summary of Remarks concerning the
First General Report on Democratic Formation in Palestine
During the special session held to discuss the Report on the 7th of April '99

Following is a summary of the main comments that were expressed during the special session that was held on the 7th of April 1999 to discuss the General Report on Democratic Formation in Palestine. The comments covered three areas (taking into consideration that they were intertwined in several ways).

1. Remarks on the format:

- 1.1. Remarks concentrated in this field on the name under which the report appeared. At first glance, it appears that the matter is linked to the content. However, no convincing answer was reached (since this was purely a question of form).
- 1.2. The need for explaining the methodology of research and the means of acquiring information was raised.

2. Remarks on the content:

- 2.1. The report focused on tracing general developments without concentrating on specific aspects related to democratic formation such as separation of powers, general liberties, elections, etc. This remark has to do with the methodology as will be revealed later.
- 2.2. The report lacks a special section to deal with the rights of the citizen addressing general rights and liberties of the people. A section could be added to deal with the relationship between the public, on the one hand, and ministries and governmental bodies, on the other.
- 2.3. Not giving sufficient attention to the economic and social aspects of the democratic process, with excessive focus on the political aspects.
- 2.4. Separating military judiciary from the civil within the principle of separating judiciary powers.
- 2.5. Neglecting the performance of a number of ministries, such as the Ministry of Labor.
- 2.6. Not referring to the role of the *Fatwa* and legislation department in preparing and proposing bills of law.
- 2.7. Allocating a special section to relations with electors within the framework of separating the Legislative Authority.
- 2.8. Assessing the work and performance of the negotiating team within the framework of separating the Executive Authority.
- 2.9. Dealing with the issue of women under a separate section rather than including it under the category of minorities.

- 2.10. Referring to the experience of student movements in Palestinian universities and its impact on democratic formation, especially in light of its being a model for democratic practice in sharing and passing over power.
- 2.11. Pointing out print and typing mistakes that appeared in the report.

3. Methodological Remarks

- 3.1. The report lacks in providing a concrete outlook of defining democracy, its components, indicators and means of measurement. No special section is presented to determine the outlook and vision and the way in which evaluation has been conducted. There is an absence of a theoretical framework, on the one hand, and the means of analysis, on the other.
- 3.2. With all due respect to the researchers involved in preparing the report and the means they used in analyzing, participants have raised the need to establish basic criteria of measuring advances or setbacks in the democratic formation. If the purpose of the report is to monitor in order to influence conclusions and recommendations, there is a need to utilize specific measurement tools including:
 - i) The existence of “institutionalization” within the political system. Is there an orientation towards true institutional work?
 - ii) The level of availability of public liberties. Are there mechanisms to protect such liberties?
 - iii) The level of availability of modern laws that are adequate to the current conditions. Are they truly applied?
 - iv) Are there clearly developed strategies and policies for State Institutions to carry on concrete work plans? Are there professional standards to evaluate the performance of various state bodies?
 - v) Are there democratic mechanisms to regulate the transfer of power in an orderly manner?
 - vi) Are there institutions pertaining to the three authorities? Is there respect for the principle of separating those powers?

- There was a consensus that tackling such issues will distance the report from reflecting the scene on the ground into the domain of methodological analysis.
- 3.3. Several comments considered that the report uses a largely complimentary line towards the Authority, using a tone that could make matters look apologetic and an exercise to follow a cover-up approach in dealing with core issues.

What is needed now is to carefully assess the situation in order to define, in a practical manner, ways and means to benefit from the experience for the forthcoming report. The first step could be to review mechanisms of work appearing in the monthly and quarterly reports to assure drawing the necessary lessons.

General Meeting to Discuss the Report on Democratic Formation in Palestine – April 7, 1999 Participants

Name	Position
Abdel Rahim Mallouh	Member, Political Bureau PFLP Member, Executive Committee of the PLO
Abdel Salam Abu Shkheidem	Political Guidance, National Security Forces
Adli Da'na	Associates in Rural Development
Ahmad Majdalani	Popular Struggle Front
'Ali Jaradat	PFLP
Amin Maki Madani	Chief Advisor, UN Human Rights, Gaza
Azmi Shu'ibi	PLC Member
Da'oud Talhami	Member, Political Bureau, PDFLP
Duha Masri	Jerusalem Center for Legal Aid
Hasan Abdel Rahman	Palestinian Representative, USA
Hasan Khreisheh	PLC Member
Hasan Misleh	National Security
Ibrahim Daghmeh	Director of Legislation, Ministry of Justice
Jamil Hamami	Islamic Movement
Khaled Qasem	Popular Struggle Front
Mamdouh Nofal	General Secretary, FIDA
Marwan Kanafani	PLC Member
Mohammad Shtayeh	Director General, PECDAR
Mousa Dweik	Prof. of Law- Al Quds University
Na'eem AlAshhab	People's Party
Nasser Farhat	Palestinian TV
Nimer Hammad	Representative of Palestine, Italy
Qais Abdel Karim	Member, Political Bureau, PDFLP
Rafiq AlNatsheh	Ministry of Labor
Rami Ghannam	Political Guidance, National Security Forces
Samir Ghosheh	Member, Executive Committee of the PLO
Suleiman AlNajjab	People's Party Member, Executive Committee of the PLO
Taleb Awad	Researcher
Walid Salem	Deputy Director, PANORAMA
Wasim Farid	Associates in Rural Development
Zuheir Manasra	Governor of Jenin

The following have formally apologized for not being able to attend and sent written comments

Name	Position
Ahmad Al Batch	PLC Member
Ahmad Zghayer	PLC Member
Hanan Ashrawi	PLC Member
Hatem Abdel Qader	PLC Member
Jarrar AlQudweh	General Controller
Mohammad Dahlan	Commander, Preventive Security- Gaza
Sakher Habash	FATAH
Ziad Abu Amer	PLC Member