



Elements of Corruption in the Middle East and North Africa The Palestinian Case

Dr. Azmi Shuaibi

Chairman of Budget Committee
Palestinian Legislative Council

In general, corruption all over the world has common features, causes, and results; however, there exist certain elements which tint corruption that are affected by and specific to political systems and to the local culture such as the Middle East and North Africa. The main two types of corruption that exist are internal and transborder. Internal corruption occurs within the public, private and NGO sectors while, transborder, as implied from the name, occurs across territorial borders including international organisations resulting in Global corruption. The Palestinian case will be used as an example particularly due to its status as a nation in the building. Palestine, at such an early stage, already resembles the rest of the Arab countries in its traits of corruption. The aim here is to highlight the features, causes, and results of corruption concluding with ways that the Middle East and North Africa can combat corruption.

Since Palestine is a newly established nation, corruption has not yet penetrated deep within the Palestinian culture and society nor has been legitimised as de-facto in the society. The recent corruption found in the Palestinian National Authority is similar to the corruption that exists in the rest of the Arab countries' governments. It is similar in its abuse of power by those in public positions. Prominent features, causes, and results of Palestinian corruption were revealed during the Parliamentary investigations conducted by the Palestinian Legislative Council (PLC).

Role of the PLC in Combating Corruption:

As any parliament in a democratic society, the role of the PLC in general is the areas of legislation, oversight and participation in development of public policies. Actions taken by the

newly established PLC in combating corruption include:

1. The establishment of a special committee composed of members of the Budget and Oversight committees to study and investigate the report submitted by the General Auditor. This committee came up with its own report which included comprehensive details of the work of the various governmental institutions and officials mentioned in the Auditor's report with specific recommendations. The mechanisms used by the committee included:
 - a. gathering of information and specific documents pertaining to suspected cases
 - b. questioning of individuals mentioned in the report in closed hearings
 - c. visiting the various institutions to gather first hand information by questioning officials and investigating evidence
 - d. submitting a formal report on the findings of the investigation to the Council's plenary

Main Features of Corruption:

The main features that were revealed by the report are:

1. Abuse of public position for financial gains in the area of monopolies in infrastructure services
2. Acquirement of tenders by non-legitimate means for companies that have connections with the persons in public positions
3. Appointment of individuals on the basis of nepotism
4. Facilitation of permits and tax cuts for unqualified individuals based on personal relations
5. Abuse of public properties for political party or personal use

Causes of Corruption.

The main causes of corruption are:

1. Absence of the role of an institutional framework or the unbalanced power between governmental branches with the hegemony of the executive branch over the legislative and judicial branches which leads to a weak oversight system
2. Absence of a strong Parliament leads to the further weakening of the oversight process
3. Lack of rule of law, a weak Judiciary system, and insufficient law leads to a weak system of accountability
4. Lack of transparency' pertaining to public records and budgetary information which is available to the public
5. Weakness in the role of independent bodies for oversight from both the public sector and civil society including NGOs specialising in transparency and combating corruption such as an Ombudsman
6. Interference by governmental bodies in the market economy especially in monopolies

Results of Corruption:

The PLC experience in combating corruption so far dealt with internal corruption specific to the

public sector. In general, the results of corruption culminate in the:

1. Weakening of the economy
2. Destroying the credibility of the government in the eyes of its own public and in the international circles.
3. Weakening public services to the general public particularly to the under privileged

Findings

The report revealed that 52 Palestinian public officials had violated laws and public policies. The Council decided that these actions classified under corruption. Another group of public officials actions were classified as “mismanagement” which included cases resulting from lack of information and not for personal benefits. The first group of individuals was held responsible for the misuse of their public positions and acquiring personal gains which were in direct violations of the law and/or approved public policies. The PLC requested from the President of the PNA to submit these cases for review by the Attorney General prior to their indictments. Based on the findings and the report, the Cabinet submitted its resignation to the President of the PNA.

Combating Corruption:

As corruption consists of many multi-faceted elements, combating it requires an assortment of intertwined elements and actions, which combine the political will of the government, its leadership, and the society at large. These requirements include:

1. Strengthening of the judiciary and legislative branches of the government
2. Strengthening of the auditing and accounting bodies allowing them to work independently in an atmosphere of freedom
3. Transparency of the work of the various governmental institutions and the proper channelling of information between the different sectors
4. Strengthening of the civil society institutions i.e. Press, institutions dealing with citizens rights
5. Decentralisation of the government and its functions particularly in economic field, tax collections, and local governance
6. Enhancement of individual rights
7. Open elections in the various institutions
8. Legislating laws that deal with good governance and clear laws for violations
9. Regional and International co-operation between all the bodies that work in the area of transparency and combating corruption