

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens



PCSSS

Palestinian Centre for
Security Sector Studies
(PCSSS)



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens



Palestinian Centre
for Security Sector
Studies (PCSSS)

PCSSS



Representative Office
of the Federal Republic of Germany
Ramallah



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and the core security and justice providers such as police, judiciary, intelligence agencies, border security services and the military.

DCAF has worked in the Palestinian Territories since 2005. It assists a wide range of Palestinian actors such as ministries, the Palestinian Legislative Council, civil society organisations and the media in their efforts to make Palestinian security sector governance democratic, transparent and accountable.

About PCSSS

The Palestinian Centre for Security Sector Studies (PCSSS) is an independent, non-profit organisation, affiliated with the Palestinian Academy for Security Sciences (PASS) and dedicated to the promotion of knowledge about security sector reform in Palestine. PCSSS seeks to provide a platform for scholars, public officials and professionals concerned with security sector reform and with the provision of well-researched, factual, independent material to contribute to the development of the Palestinian security sector.

Acknowledgment

DCAF would like to express its sincere gratitude for the generous support it received for this publication from the Ministry of Foreign Affairs of the Federal Republic of Germany.

Disclaimer

The contents of this publication are the exclusive responsibility of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and do not necessarily reflect the opinion of the Ministry of Foreign Affairs of the Federal Republic of Germany.

Editorial Board

Intissar Abu Khalaf
Roland Friedrich
Nayef Jarrad
Regula Kaufmann
Jonas Loetscher
Arnold Luethold
Nicolas Masson
Nezam Salahat

Design and Layout

Wael Dwaik

Translation support

Yassin Nour El-Din Al-Sayyed

Publisher

Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Rue de Chantepoulet 11
P.O. Box 1360
1211 Geneva 1
Switzerland

Tel: +41 (22) 741 77 00
Fax: +41 (22) 741 77 05

www.dcaf.ch

Cover Picture:
Ibrahim Abu Fkheda

ISBN: 978-92-9222-175-1

© DCAF 2010. All rights reserved.

Table of Contents

Executive Summary	4
Background and Methodology	8
Review of Complaints Mechanisms in Four Selected Governorates of the West Bank (Jenin, Nablus, Ramallah and Hebron)	11
Legal Framework	11
Institutional Framework	14
<i>Jurisdiction and Mandate</i>	14
<i>Institutional Setup and Procedures</i>	16
<i>Resources</i>	18
<i>Cooperation with Third Parties</i>	18
Performance	20
Needs Assessment of Complaints Mechanisms in Four Selected Governorates of the West Bank (Jenin, Nablus, Ramallah and Hebron)	22
Annex: Legislation Governing Local Complaints Mechanisms	24
Palestinian National Authority Legislation	24
<i>Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of the Governors</i>	24
<i>Law on Arbitration No. 3 of 2000</i>	26
<i>Palestinian National Authority Council of Ministers: The Regulation on Complaints No. 6 of 2009</i>	35
Jordanian Legislation	39
<i>Regulation No .1 of 1966: Regulation on Administrative Formations</i>	39

Executive Summary

Background

Accountability of the armed, police and security forces is a cornerstone of good security sector governance and the rule of law: Security forces which are held accountable for their actions are less likely to commit human rights abuses. They are also more likely to provide services in line with the security needs of the citizens and make efficient use of their resources.

Many countries have established specialised institutions which allow citizens to submit complaints against the security forces. However, there is no standard model of complaints mechanisms. Each country needs to find solutions that fit its political, historical and cultural context.

The Palestinian National Authority has opted for a multi-layered complaints system: As part of its commitments to strengthen the rule of law in the areas under its control, the Palestinian National Authority (PNA) has recently begun to activate complaints mechanisms for citizens on the ministerial and the local level. The PNA has set up a multi-layered system for dealing with citizens' complaints related to the delivery of security by the authorities and, more specifically, the behaviour of the security forces.

At the national level, a broad number of institutions receive citizens' complaints against the security forces: The Palestinian Independent Commission of Human Rights (PICHR) acts as the official human rights ombuds institution of the PNA. In addition, complaints units have been established within the Council of Ministers,

in various ministries, as well as in the Palestinian Legislative Council (PLC).¹

The governor's offices increasingly handle complaints at the local level: Many Palestinians see the governor's offices as the prime address for submitting complaints related to the work and behaviour of the security forces. One of the most important reasons for this is proximity. Today, most Palestinians living outside Ramallah have only limited interaction with national level governmental institutions. This is due to the restricted freedom of movement within the West Bank and limited visibility and presence of the central government's institutions outside of the larger cities. In this regard, the governor, as the official representative of the President at the local government level,² assumes a special position.

The governor's offices in the West Bank have gradually developed their complaints handling function over the past years. However, this process has neither been systematic nor coordinated. Rather, the different governor's offices have developed their complaints handling function independently from one another, responding to specific situations and needs.

So far, no systematic review of the different practices in handling complaints at the governorate level has been conducted. Furthermore, there is also no

¹ The Regulation on Complaints No. 6 of 2009 of the Council of Ministers established a Directorate-General of Complaints at the Council of Ministers. The regulation also established complaints units at line ministries. As to the PLC, the Bylaw of 2003 establishes a complaints unit as part of the parliamentary administration.

² See Art. 2 of the Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of Governors.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

assessment whether it would be feasible (and if so, how?) to further strengthen the complaints function of the governor's office.

Following initial discussions, the governors of Hebron, Jenin, Nablus and Ramallah asked DCAF and its Palestinian partner organisation, the Palestinian Center for Security Sector Studies (PCSSS), to assist them in taking stock of how their offices handle complaints against the security forces and how this function could be further developed.

Hypothesis

The underlying assumption of the assessment process initiated by DCAF and PCSSS is that strengthening the role of the governor's office in dealing with complaints against the security forces will have a positive impact on the quality of the services which the security forces deliver to the people. Furthermore, accountability of the security forces for their actions will be improved. Together, this leads to a better rule of law situation at the level of the governorate.

Methodology

The review process of existing complaints mechanisms conducted by DCAF and PCSSS took place in four selected governorates in the West Bank (Hebron, Jenin, Nablus and Ramallah) between April and July 2010.

DCAF and PCSSS jointly developed a questionnaire that was presented to the governor's offices in the four governorates. In cooperation with the governors, they held three working group sessions in each governorate. Representatives of the offices of the governor, the legal departments, the administrative affairs departments, the security departments, and other departments attended these sessions. In separate sessions, DCAF also interviewed the governors of Jenin, Nablus and Ramallah to gather additional information on citizens' complaints mechanisms.

The questions guiding this process were as follows:

- What mechanisms and practices for dealing with complaints against the security forces do exist at the level of the governorates?

- What would be needed to transform the existing complaints mechanisms at the governorate level into fully fledged complaints units or departments?
- What would be the mandate of the complaints units or departments?

Taking stock of existing complaints mechanisms

During the assessment process, DCAF and PCSSS took stock of existing policies, legislation, the institutional setup, infrastructure, resources and the performance of the existing complaints mechanism in the governorates:

• Policies

The PNA's declared objective is to strengthen the rule of law in the Palestinian Territories: In its *Program of the 13th Government - Ending the Occupation, Establishing the State*, the PNA declares that strengthening the rule of law and enhancing accountability of the security forces in the Palestinian Territories are key policy priorities.³

• Legal framework

The legal framework for dealing with citizens' complaints through the governor's office is not sufficiently developed: The existing legal framework does not clearly outline a specific mandate for the governor's office to handle complaints. The *Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of Governors* and the *Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations* give the governors broad powers to handle administrative and security issues on the governorate level. However, they do not regulate in detail the handling and follow-up of complaints.

Some regulations issued by PNA institutions other than the Office of the President are contested: The *Regulation on Complaints No. 6 of 2009* of the Council of Ministers outlines in detail the roles and functions of complaints departments of the different

³ Palestinian National Authority. *Ending the Occupation, Establishing the State. Program of the 13th Government*, August 2009, pp. 12-13.

PNA institutions. It also makes specific reference to the governorates. However, its legal relevance at the level of the governorates is contested, as the governor's offices fall under the authority of the Office of the President, not the Council of Minister.

▪ **Institutional setup**

The governor's office has no specialised departments for dealing with citizens' complaints: Currently, the governor's offices in the four selected governorates process complaints through a number of departments, based on the subject of the complaint and the decision of the governor. Complaints may be processed through the legal department, the security department, the administrative affairs department, the tribal affairs department (if existing), or the governor himself/herself. None of the governor's offices has established specialised complaints units, although they are included in the administrative structure of the governorates.

Furthermore, there is no unified approach for dealing with citizens' complaints in the four governorates: Each governorate has developed its own procedures for following up on complaints, informing beneficiaries and communicating the results of the investigation.

▪ **Infrastructure and resources**

Human resources: In the governor's office in Ramallah there are two full-time staff from the legal department working on complaints. In Jenin, there are four full-time staff from the legal, the administrative affairs and the security department handling complaints. In the governor's office of Nablus, there are five full-time staff from the legal and administrative affairs department. In Hebron, there are six full-time staff from the legal, administrative affairs, security and other departments working on complaints. However, no governor's office has staff which exclusively deals with citizens' complaints against the security forces.

The governor's offices lack the resources to deal effectively with citizens' complaints: The

administration of the governor's offices suffers from a lack of human and financial resources to take on the task of handling complaints in a comprehensive and effective manner.

▪ **Performance**

A systematic assessment of the governor's offices performance in dealing with citizens' complaints proves difficult. Only the governor's office in Nablus keeps a systematic track record of all complaints submitted (720 in 2009; a similar number is expected in 2010). There also seems to be a wide discrepancy across the governorates. While the governor's office in Jenin receives ca. 100 cases per year, the one in Hebron counts up to 1'000 cases.

Today, none of the governor's offices has at its disposal reliable data as to the percentage of cases that were rejected or of the ones brought to a conclusion.

Finally, no governor's office relies on beneficiary surveys or periodic evaluation processes to gauge public perception of their work.

Recommendations

The review and needs assessment conducted by DCAF and PCSSS showed that establishing specialised complaints units or departments at the governorate level would be a possible option for dealing with citizens' complaints. However, in the view of DCAF and PCSSS, the following legal, operational and resource consideration would have to be taken into account:

▪ **Legal considerations**

The complaints mechanisms at the governor's office need to be based on a new legal framework: Establishing new complaints mechanisms requires a thorough review of the legal framework that defines the responsibilities and the activities of the governor's offices. The main basis for the work of the governors is still the Jordanian legislation, supplemented by decrees and decisions issued by the President of the PNA.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

New legislation should regulate the following: It should clearly delineate the responsibility, jurisdiction, mandate and organisational structure of the complaints units or departments. Due emphasis should be paid to harmonising the jurisdiction of the complaints mechanisms at governorate level with that of the complaints departments at national level – including their local branches. The latter fall under the responsibility of the Prime Minister's Office. This is necessary to avoid overlaps and redundancy between the different government levels and the court system.

Operational considerations

The complaints handling function should be allocated to a specialised complaints unit or department: The establishment of complaints units or departments at governorate level would require the integration of complaints handling functions that are currently spread between various administrative units, such as legal, security and administrative affairs departments. It would also require building up an administrative structure for the new system. This would include setting up the relevant processes and allocating sufficient human and financial resources in a unified manner for all governorates.

The transformation of existing complaints mechanisms requires broad consultation: Preparing for a transformation would require a broad consultation process. It should involve both institutional stakeholders at the level of the PNA, such as the Office of the President, the Council of Ministers, and the Ministries of Planning, Interior, Finance, Local Government, as well as local government authorities. On the beneficiary side, this should entail systematic consultation with citizens to capture their expectations of the functions and attributes of a good complaints handling system.

Resource considerations

Need to allocate proper resources: The establishment of complaints departments would require the allocation of specific

human and financial resources and be reflected on a special budget of the governor.

The establishment of complaints departments would require the procurement of the relevant infrastructure and IT systems: This would entail office space and equipment, limited vehicle support and an effective documentation and archiving system. Customised training of staff would have to be provided. In the view of DCAF and PCSSS, the technical specifications would be dependent on the concrete organisational setup of the complaints unit or department.

What could be the next steps?

Based on the review of existing complaints mechanisms at the governorate level, as well as the needs assessment conducted, DCAF and PCSSS recommend the following next steps:

- Secure political will and support from the governor and the Office of the President for establishing complaints units or departments;
- Prepare vision, objectives, plans and budgets for establishing the complaints units or departments;
- Obtain political approval of the plan and budget;
- Implement a pilot project in one of the four governorates.

Background and Methodology

Ensuring accountability of the armed, police and security forces ...

Ensuring accountability of the armed, police and security forces for their actions is a cornerstone of good security sector governance. Security forces that are held accountable for their actions are less likely to commit human rights abuses. They are also more likely to provide services in line with the security needs of the citizens and make efficient use of their resources.

To ensure accountability, countries across the globe have opted for different models. These often comprise a set of different mechanisms and institutions, responding to the unique political, historical and cultural context.

... through the establishment of citizens' complaints mechanisms ...

A solution adopted by many countries is to give their citizens the opportunity to submit complaints directly to specialised complaints institutions. Depending on the context and set-up of the state, such institutions are either fully independent of the government and its armed, police and security forces or directly attached to these institutions.

The administrative organisation (centralised or de-centralised) of the public sector also influences countries when they decide to establish complaints mechanisms either at the national or at the local level.

Some countries interested in further strengthening accountability have opted for

mixed or multi-layered systems. Mixed systems combine complaints functions at the national level, such as parliamentary ombuds institutions, with local mechanisms, such as complaints departments of local governmental and administrative bodies. Finally, many countries have established sector-specific mechanisms, such as military ombudsmen and police complaints units.

... in the Palestinian Territories.

In the Palestinian Territories, the Palestinian National Authority (PNA) has created a multi-layered system for dealing with citizens' complaints related to the delivery of security by the authorities and the behaviour of the security forces.

At the national level, there are both the Palestinian Independent Commission of Human Rights (PICHR), which is the official human rights ombudsman of the PNA, and complaints departments in various ministries as well as in the Palestinian Legislative Council (PLC).⁴

At the level of the governorates, the governor's offices also increasingly handle citizens' complaints. In fact, for many Palestinians, the governor's offices are the prime address for submitting complaints on issues related to the delivery of security. One of the main

⁴ The *Regulation on Complaints No. 6 of 2009* of the Council of Ministers established a Directorate-General of Complaints at the Council of Ministers. The regulation also established complaints units at line ministries. As to the PLC, the *Bylaw of 2003* establishes a complaints unit as part of the parliamentary administration

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

reasons for this is proximity. Palestinians, and in particular those who live outside of the main cities, have only limited direct interaction with the institutions at the national level. Rather, for most Palestinians the key interface with the PNA is the office of the governor.

There are currently nine governorates in the West Bank. The governor is not only the appointed representative of the President at the local level, but also heads the Security Committee, the Executive Council and the Consultative Council in the governorate.⁵

The governor is responsible for law and order on the ground and has daily and direct contact with the citizens. In fact, the governor's office is often the first address that Palestinian citizens turn to for seeking assistance in resolving conflicts and disputes, in particular for disputes that are related to the National Authority and its organs. Every year, the governor's offices in the various West Bank governorates receive several thousand complaints against PNA civilian institutions and security forces.

The office of the governor thus plays an important role in delivering transparent and accountable services – in the field of security and beyond – to the Palestinian citizens.

Yet, in many governorates the effective capacity to process and follow-up on complaints is limited. Furthermore, the procedures and their effectiveness vary from governorate to governorate.

⁵ The Security Committee was established by the *Presidential Decree No. 2 of 2006 Concerning the Security Committee of the Governorate*. Chaired by the Governor, the Security Committee gathers commanders of all security forces on a weekly basis. During the Security Committee sessions, each of the security commanders presents a report about the security activities during the prior week. The Executive Council is composed of representatives of all security sector institutions and state services working in the governorate. Chaired by the Governor, the Executive Council gathers on a monthly basis. It discusses strategic and general issues in the fields of governance, economy, health and other services, including security. The Consultative Committee is chaired by the Governor and gathers representatives of local non-governmental and civil society organisations on a two-month basis. It discusses social and economic development at governorate level.

Understanding the role of the office of the governor in handling citizens' complaints

Against this background, officials in various governorates have asked the Geneva Centre for the Democratic Control of Armed Forces (DCAF) to assist in developing the institutional capacities of their complaints handling mechanisms.

In response, DCAF and the Palestinian Center for Security Sector Studies (PCSSS) at the Palestinian Academy for Security Sciences (PASS) in Jericho jointly conducted a review and needs assessment of existing citizens' complaints mechanisms in four selected governorates in the West Bank (Jenin, Nablus, Ramallah and Hebron). The process took place between April and July 2010. DCAF and PCSSS selected these governorates for two reasons: First, the four governorates reflect the demographic, socio-economic and cultural diversity of the Palestinian communities in the West Bank. Hebron is the largest governorate in terms of population and a centre of commerce and trade, and it also has a strong tribal structure. Nablus, the second-largest governorate, was the main economic hub in the West Bank until the turn of the century, but has been hard hit by the second Intifada. It is also home to a large number of refugees. Jenin Governorate is made up of large rural areas. The city of Jenin has experienced a lot of violence during the second Intifada. The fourth governorate assessed, Ramallah, hosts the current seat of the PNA and has been the focus of many development projects lately. The second reason is that, since 2007, DCAF has implemented various projects in these four governorates to contribute to developing the relations between citizens on the one hand and police and security forces on the other hand. During these sessions, participants called for making the handling of complaints by the governors' offices more effective.

Thus, the aim of the review was threefold:

- To help the staff at the governor's offices assess their performance;
- To identify challenges and opportunities for further developing the complaints mechanisms in these governorates;

- To lay the groundwork for potential future assistance.

The review is based on a self-assessment process of the governor's offices in the four selected governorates. For this purpose, the two centres jointly developed a questionnaire that was presented to the governor's offices of the four governorates. In cooperation with the governors, they held three working group sessions in each governorate. Representatives of the offices of the governors, the legal departments, the administrative affairs departments, the security departments, and other departments attended these sessions. They provided valuable information on the operational and structural setup of the governor's offices and their complaints handling capacities. In separate sessions, DCAF also interviewed the governors of Jenin, Nablus and Ramallah to gather additional information on citizens' complaints mechanisms.

The conclusions and recommendations of this study (see pp. 4-7) are informed by a review of existing complaints mechanisms (see pp. 11-19) as well as by a needs assessment in four selected governorates of the West Bank' (see pp. 22- 23). The findings of this process are complemented by a review of the legal framework that governs local complaints mechanisms in the Palestinian Territories. The *Annex* of this report (see pp. 24-51) presents the applicable legislation in its integral form.

Review of Complaints Mechanisms in Four Selected Governorates of the West Bank (Jenin, Nablus, Ramallah and Hebron)

Legal Framework

This part provides an overview of the existing legal framework for dealing with complaints at the governorate level.

What is the status of the governorates within the PNA system?

Overview of legislation relevant for dealing with complaints at the governorate level:

- Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of the Governors
- Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations
- Law on Arbitration No. 3 of 2000
- Council of Ministers Regulation on Complaints No. 6 of 2009

- *The governorates are administrative units of the PNA. The governor is the representative of the President of the PNA:* The governorates in their current form were established in 1994 as administrative units of the Palestinian National Authority (PNA).

The *Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of the Governors* is the main piece of PNA legislation concerning the work of the governor's offices.

Article 2 of the decree stipulates that the governor is the representative of the PNA President in the governorate. Thus, he/she is the highest executive functionary at the level

of the governorate. He/she supervises the implementation of public policies and the provision of services to the citizens.

- *The governor is responsible for maintaining law and order and protecting civil rights:* Article 5 of the *Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of the Governors* determines the prerogatives of the governor. He/she is responsible for maintaining law and order, protecting civil rights, as well as protecting private and public properties. In addition, the governor is also in charge of promoting economic and social development in the governorate. He/she is, moreover, responsible for enforcing PNA legislation in the governorate.

In addition, the *Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations*⁶ contains a number of elements that were subsequently incorporated into the *Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of the Governors*. This relates particularly to the position of the governor as the highest executive functionary in the governorate and his/her powers and responsibilities.

Furthermore, Article 20 the *Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations* empowers the governor to inspect all public institutions in the governorate, including prisons.

⁶ As a matter of principle, Jordanian legislation remains applicable in the West Bank as long as the PNA has not issued any legislation in a matter that explicitly replaces pre-PNA legislation.

What legislation gives to the governor the authority to handle citizens' complaints?

- *There is no specific legislation that demands the governor to handle citizens' complaints:* The Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of the Governors does not contain specific provisions on the handling of citizens' complaints. The governor's offices argue that the power of the governor to handle citizens' complaints is derived from Article 5 of the presidential decree, which entrusts them to maintain law and order and to protect civil rights.

The authority to handle complaints is also mentioned in Articles 11 and 89 of the Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations:

'The Governor shall immediately adjudicate petitions, which fall within his/her jurisdiction. He/she shall refer the petitions that do not fall under his/her jurisdiction to the competent authority, enclosed with his/her opinion.' (Art. 11)

'The Subdivision Director shall hear the inhabitant's requests and complaints and shall implement the required action in their regard.' (Art. 89)

The Subdivision Director is the highest executive functionary in the subdivision, an administrative unit below the level of the governorate. In the current Palestinian context, the governor by analogy and de-facto assumes this authority.

- *The Council of Ministers has issued a regulation on handling complaints:* Regulation on Complaints No. 6 of 2009 of the Council of Ministers regulates the jurisdiction and working mechanisms of complaints mechanisms at the level of the Council of Ministers and the line ministries. Article 8 calls for the establishment of specialised complaints departments at the governorate level:
 1. *Specialised units shall be composed in government institutions. Their organisational structure and job description shall be approved within the*

organisational structure of the institution and shall be named the Complaints Units at ministries as a minimum, and Complaints Offices at governorates. (...)

3. *Sub-item 5. In regard of the offices of governorates, the Governor may select the person whom he/she deems to be fit to receive and follow up with the complaints in the governorate.'*

Article 9 of the regulation also sets out that the function of the complaints offices is to *'(...) receive and follow up with the citizens' complaints relating to the performance of government institutions and their employees.'* Furthermore, Article 8 also stipulates that the complaints offices report *'technically to the Directorate General of Complaints at the Prime Ministry'*.

- *The application of the Regulation on Complaints No. 6 of 2009 remains contested:* According to the participants of the review process, this regulation is not applied consistently. This is due to the fact that the governorates are subordinate to the Office of the President, not the Council of Ministers.

What legislation governs the procedures for handling citizens' complaints in the office of the governor?

- *The legal authority to handle complaints is distributed among various administrative units in the governor's offices:* The governor's offices were established based on the Jordanian Regulation No. 1 of 1966 Concerning Administrative Formations and the Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of Governors. The governor's offices include various functional units such as the legal department, the security department, and the administrative affairs department. These departments have specific functions such as providing legal advice, conducting security planning and monitoring, and performing general administrative work. In addition to this, they also handle citizens' complaints and offer dispute resolution

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

services. Often the legal departments play a coordinating role in handling complaints.

- *There are no standard legal procedures for dealing with complaints in the four governorates.* Complaints are distributed on the basis of their subject to the competent administrative unit in the governor's office. However, participants of the self-assessment process stated that when handling complaints, the governor's offices often refer to the mechanisms described in the *Law on Arbitration No. 3 of 2000*. The law applies to arbitration between natural or legal persons, irrespective of the subject of arbitration, with three exceptions: issues related to public order, issues that cannot be solved by law, and personal status disputes. According to Article 8 and 10 of the law, the parties must agree on an arbitrating panel or an organisation to arbitrate the matter. According to participants in the self-assessment process, this provision allows the governor to act as an arbiter in case of a citizen's complaint. Article 45 of the law allows for a competent court to ratify and enforce the arbitration decision.

Institutional Framework

This part provides an overview of the complaints mechanisms' institutional framework and presents the mandate and jurisdiction of the departments, their internal structures, working methods and procedures as well as their cooperation with third parties.

Jurisdiction and Mandate

- *The governors' offices can receive complaints from a broad range of actors; however, Areas C are outside their reach:* The mandates of the governor's offices in the four governorates of Jenin, Nablus, Hebron and Ramallah cover a broad range of issues and beneficiaries. In theory, the mandates cover all areas of the respective governorate. However, the Israeli occupation and the resulting administrative division of the territory limit their practical implementation. In terms of geographical jurisdiction, the legal departments cannot follow up on complaints relating to events that took place in villages in Areas C or in the H2 area in Hebron⁸.

⁷ The *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, also known as "Oslo II" and concluded in September 1995, divides the West Bank into three zones, Area A, Area B and Area C. In Area A, the Palestinian National Authority enjoys both administrative and security responsibility; in Area B, the PNA has administrative responsibility whereas Israel has security responsibility; in Area C, Israel has both full administrative and security responsibility. The Interim Agreement does not apply to occupied East Jerusalem, which Israel continues to regard as annexed territory (Israel incorporated East Jerusalem into the Jerusalem municipality after its annexation in 1967). Area A comprises some 18% of the overall West Bank territory.

⁸ The *Protocol Concerning the Redeployment in Hebron* signed in January 1997 outlines the division of the city of

In the governorates under review, both natural persons (i.e. citizens) and legal persons, including civil society organisations, can file a complaint. In the Ramallah governorate, ministerial staff is also mentioned explicitly as being part of the beneficiaries.

In terms of personal jurisdiction, the governor's offices cannot deal with complaints that are directed at Israeli citizens, such as Palestinians with Israeli citizenship living in or visiting the West Bank.

In line with the principle of separation of powers, judicial staff and members of the Palestinian Legislative Council do not fall under their jurisdiction and thus have immunity.⁹ Also, the governor's offices cannot accept complaints against the governor himself/herself.

Other than this, the governor's offices can receive complaints against any act carried out by employees of the PNA, including the governorate administration. For instance, the jurisdiction of the governor's

Hebron into two sectors, H1 and H2. The PNA is in charge of the sector H1, which comprises around 80% of the city, while Israel continues to control the sector H2 including the city centre.

⁹ See: Article 2 of the *Judicial Authority Law No. 1 of 2002*: 'Judges shall be independent. They shall not be subject to any authority other than the law in the exercise of their judicial function.' and Article 95, *Bylaw of the Palestinian Legislative Council of 2003*: 'Members may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in Council sessions or committee meetings, or because of any action they perform outside the Council in the course of performing their parliamentary duties.'

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Table 1: How do governorates report about their handling of citizens' complaints?

Governorate	Type of report
Jenin	<ul style="list-style-type: none"> • Governor's office publishes monthly and annual reports of governorate; no specific focus on complaints handling. • Governor's office periodically informs the President's and the Prime Minister's Offices about its work. • Governor makes public announcements for cases that refer to tribal issues or issues of public interest. He/she does not publish the resolution in the media nor release an official statement.
Nablus	<ul style="list-style-type: none"> • Legal department submits to Governor and Governorate Affairs Department of President's Office 'periodic' and annual reports on complaints handling.
Ramallah	<ul style="list-style-type: none"> • Legal department submits monthly report on complaints handling to Governor.
Hebron	<ul style="list-style-type: none"> • Governor's office publishes monthly and annual reports of governorate; no specific focus on complaints handling • Governor's office holds press conferences and publishes a statement in the newspaper to announce the resolution of a complaint that concern issues of public interest.

offices in Nablus explicitly includes cases of employment disputes of governorate employees and elected officials within the governorate, such as mayors. The mandates of the governor's offices in Nablus, Hebron and Ramallah also explicitly cover complaints against security forces. In addition, the departments have the jurisdiction over complaints against private sector entities.

In the governorates of Jenin, Hebron and Ramallah, there is no limitation period for incidents that are subject of a complaint. Complaints can be filed about an incident that happened in the past, even as far back as 20 years ago. No information on time limits is available for the Nablus governorate.

- **Limited authority to launch own investigations:** The governor's offices have a limited authority to launch investigations without having received a complaint. This authority is limited to exceptional circumstances, such as issues endangering the public interest or public security. No data is available on the right to investigate for the Nablus and Ramallah governorates. In the Jenin and Hebron governorates, however, the governor himself/herself assumes the conduct of questionings and

investigations. If an investigation is needed, the case is transferred to the governor or to a legal or fact-finding committee.

- **Arbitration:** The governor's offices also offer arbitration services between conflicting parties (based on the *Palestinian Arbitration Law No. 3 of 2000* (see Annex) but also on customary tribal law), either by mediating directly between the parties or by setting up ad hoc reconciliation committees. In Nablus, the function of arbitration resides with the legal department; in Hebron, the arbitration function is the responsibility of the tribal affairs department.
- **Reporting:** The obligations and practice of the governor's offices to report on the outcomes of the investigation of complaints vary slightly among the four governorates. In Nablus and Ramallah, the legal departments produce periodic (i.e. monthly in the case of Ramallah) reports on their complaints handling work and submit them to the governor. The legal department in Nablus also produces annual reports and submits them to the governor and the Governorate Affairs Department of the President's Office. In Jenin and Hebron, on the other hand, the governor's offices only publish general reports (for Jenin both

monthly and annual reports, for Hebron annual reports) that cover all the work of the governorate, without any special reference to their complaints handling work. The Jenin governorate also periodically informs the President's and the Prime Minister's Offices about its work. Of the four governorate offices, only in Hebron the governor's office holds press conferences and publishes a statement in the newspaper to announce the resolution of a complaint that concerns an issue of public interest. In Jenin, the governor makes a public announcement for cases that refer to tribal issues or issues of public interest, but does not publish the resolution in the media nor release an official statement.

is subordinate to the legal department. However, none of them have been activated. So far, handling complaints remains a cross-cutting function in the governor's offices. Any complaint received by the governor's office is transferred first to the governor for his/her review of the subject matter. In Nablus and Ramallah, the governor hands the complaint to the legal department for direct follow-up or further distribution to the concerned department according to its subject; in both governorates the legal department functions as a clearing house for complaints. In Jenin and Hebron, the governor directly transfers the complaint to the concerned department, i.e. the legal department, the security department, the administrative affairs department, or, in the case of Hebron, the tribal affairs department. In all four governorates, the governor and his/her office may also themselves handle a complaint without referring it to a subordinate department. All four governor's offices reviewed are located in the capital of the governorate and have no local branches.

Institutional setup and procedures

- *Governor's offices handle citizens' complaints on the basis of the subject of the complaint:* The four reviewed governorate administrations have slightly different institutional structures. According to the PNA administrative structure of 2005, each governorate has a complaints unit which

- *Procedure to file a complaint:* According to the findings of the survey, any person wishing to file a complaint can do so in all

Table 2: How to file a complaint in the governorates?

Governorate	Procedures
Jenin	<ul style="list-style-type: none"> • <i>Official complaints form</i> (issued by the legal department) and supporting documents have to be submitted to the governor or the legal department. • If possible, complaints should be filed in person.
Nablus	<ul style="list-style-type: none"> • <i>Official complaints form</i> (issued by the legal department) and relevant evidence or legal documents have to be submitted to the governor. • Complaints can also be submitted from abroad (through Palestinian representations or by courier mail).
Hebron	<ul style="list-style-type: none"> • <i>No standard complaints form:</i> Submitting a complaint in person or by phone, or sending it by fax. Personal data of the complainant must be provided. • The governor's office only accepts complaints that 1) do not fall under the jurisdiction of the judiciary, and 2) are accompanied by supporting documents. In addition, the complainant must provide a copy of his/her ID.
Ramallah	<ul style="list-style-type: none"> • <i>No standard complaints form:</i> Submitting complaints in written form together with other relevant documents and the complainant's contact details. The complaint has to be submitted to the governor or the legal department. • The complainant can also file a complaint by fax. However, he/she has to appear in the governor's office to hear and accept the proposed settlement.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

four governorates under review by writing a letter, faxing the complaint or submitting it in person at the governor's offices. The governorates of Jenin and Nablus have issued a form for filing a complaint. In all four governorates, the complainant must submit his/her complaint in written form and provide supporting documents. The governor's office in Nablus has mentioned the possibility to submit a complaint from abroad through the Palestinian embassy or by sending it directly by courier mail. In the Ramallah and Hebron governorates, the complainant has to identify himself/herself, in the latter by providing a copy of his/her ID. The Ramallah legal department representative has highlighted the fact that the complainant must appear in person in the office at least once during the period when the complaint is being handled.

- *Procedures for investigating and processing complaints:* The governor's offices of the Hebron and Jenin governorates regularly

opt for inviting the conflicting parties to a meeting in order to solve the issue through arbitration. According to the findings of the survey, the governor's offices of Nablus and Ramallah, and in particular their legal departments, often opt for developing recommendations without the presence of the complainant and the entity against which the complaint has been filed.

In Jenin, the complainant can be present in person during the resolution of the case and meet with the party that the complaint was submitted against. While the Ramallah governorate administration informs complainants about the progress of the case, complainants in Hebron and Nablus are expected to pass by the office to get information about new developments in the case.

- *Legal character of recommendations:* In the Nablus and Ramallah governorates, the governor's offices, through their legal departments, make recommendations that

Table 3: What human resources do the governorates have for dealing with citizens' complaints?

Governorate	Human resources
Jenin	<ul style="list-style-type: none"> • 4 staff: 2 staff working at legal department (1 male and 1 female staff), 1 staff working at security department (male), 1 staff working at administrative affairs department (male). • Required qualification to work at legal department: law degree. • Staff is selected by the governor and the General Personnel Council of the PNA.
Nablus	<ul style="list-style-type: none"> • 5 staff: 4 staff working at legal department (2 male and 2 female staff), 1 staff working at administrative affairs department (male). • Required qualification to work at legal department: law degree. • Legal department can freely select and appoint its staff.
Hebron	<ul style="list-style-type: none"> • 6 staff: 1 staff working at legal department (male), 1 staff working at security department (male), 1 staff working at administrative affairs department (male), 1 staff working at tribal affairs department (male), 1 staff working at office of the governor (male), 1 staff appointed by Council of Ministers (male). • General Personnel Council of the PNA is in charge of setting up criteria and selecting new staff.
Ramallah	<ul style="list-style-type: none"> • 2 staff: 2 staff working at the legal department (2 female staff). • Required qualification to work at legal department: law degree. • General Personnel Council of the PNA and the governor are in charge of recruiting staff and determining the selection criteria. Dismissals are regulated by the <i>Civil Service Law of 1998</i>.

are considered enforceable. This is not so in Hebron. No data is available in this respect for the Jenin governor's office.

- **Accountability of the governorate administration:** The governorate administrations as such are accountable to the Governorate Affairs Department of the Office of the President. The work of the governorate administration is overseen by the respective governor. Within the governorate structure, the governor cannot be investigated. It is the State Audit and Administrative Control Bureau that externally oversees the governorate administrations on a regular basis.

Resources

- **Human resources:** Table 3 provides an overview of the human resource situation for handling complaints in the four governorates. The governor's offices of the four governorates employ between two (Ramallah) and six staff (Hebron) that deal with citizens' complaints. In Nablus and Jenin, the teams include men and women; in Hebron, the staff is composed of men only, in Ramallah of women only. While the governor's offices in Nablus, Jenin and Hebron confirm that their staff represents the social and political diversity of the society, the Ramallah legal department does not believe this to be true for the composition of its staff. The Jenin and Hebron governor's offices have expressed that they suffer from a shortage of human resources in their legal departments. The Ramallah and Nablus governorates, on the other hand, believe that they are well staffed compared to other entities with similar tasks. In the Nablus governorate, legal department can freely select and hire new staff. In the other three governorates, the governor's offices have no influence on new appointments since the General Personnel Council of the PNA is in charge of all decisions related to human resources. The governor's offices of Jenin and Nablus have identified the absence of training opportunities for their staff as an important challenge for further developing their capacity.

- **Infrastructure:** The survey has revealed that the governor's office of Nablus, especially its legal department, seems to be best equipped in terms of infrastructure. The current infrastructure allows for holding several events and conferences. What is still missing is a documentation programme and improved communication equipment. The governor's offices of Ramallah, Jenin and Hebron feel that their infrastructure is inadequate for carrying out their mandates. In Jenin, the legal department in particular identified the following needs: human resources (a secretary), means of transportation (car), references (laws, books, periodicals, media), and IT equipment (computers). The Jenin department does not have its own budget and thus resources are not sufficient; no specific needs were identified though. The governor's office of Hebron expressed a need for increased office space, a vehicle, and improved IT and communication means, such as internet access. In Ramallah, the legal department lacks a secretary, a printer, a car and IT capacities.
- **Budget:** The Ministry of Finance of the PNA allocates the budget of the governorate administration and sets the salary structure according to the *Civil Service Law of 1998*. In the Jenin governorate, the departments do not have their own budgets, but have their expenses reimbursed by the department of finance of the governorate. In the governorates of Nablus and Hebron, the various departments have their own budgets. No data is available for the Ramallah governorate.

Cooperation with third parties

- **Relations with the judiciary:** The governor's offices in all four governorates agree that there is a good cooperation between them and the police, the security forces, the public sector and civil society. There are direct relations with the judiciary in all four governorates; the legal departments in the four governorates explained that they are very careful not to interfere in the judiciary's work. In addition, the interlocutors in the Ramallah governorate stressed that any

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

request for information from the judiciary has to pass through the Governorate Affairs Department of the President's Office.

- *Regular consultations with civil society:* The governor's offices in Jenin and Ramallah also consult with civil society, mostly through bilateral meetings. In Hebron, the governorate departments have links with consumer protection associations and with women and child's rights organisations. The governor's office in Hebron also cooperates with civil society organisations on certain issues, such as prison visits. The Nablus legal department regularly consults the Independent Commission for Human Rights (ICHR), which is the official PNA ombudsman and human rights body. The governor's offices in Nablus, Jenin and Ramallah also receive requests for advice on human rights issues from governmental and non-governmental agencies. Yet, only the Nablus office receives a substantial number of such requests.

Performance

This section provides an overview of the performance of the complaints mechanisms based on an assessment of their relations with stakeholders and on the quantitative data related to their work.

Satisfactory cooperation with entities against which complaints have been filed

- *Satisfactory cooperation:* In all four governorates, there is an overall satisfaction with regard to cooperation with entities against which complaints have been filed. The entities in question deal with complaints in a timely and transparent manner. In case of a lack of cooperation, the legal department in Nablus refers the case to the Governor for his/her intervention, while the governorate administration in Hebron asks the police and security forces to help solve the problem.
- *Improvements as direct results of complaints:* As a result of the departments addressing complaints, there have been improvements observed in various fields. In the Hebron governorate, the authorities have noticed increased monitoring by the Ministry of Health to identify possible health hazards well in advance. The Ramallah governorate authorities have reported enhanced performance of the entities that have been subject to complaints. In Jenin, overall cooperation between the governorate administration and other PNA institutions has improved.

- *Implementation of recommendations:* There is no data available for the governorates of Ramallah and Nablus. The governor's offices in Jenin and Hebron have expressed their satisfaction with the high implementation rate of their recommendations for solving disputes.

Relations with beneficiaries

- *Duration of processing complaints:* To handle a complaint in the Nablus and Jenin governorates can take between one day and three months (i.e., in case of land disputes). The average length lies between one to four weeks. No data is available for the Hebron and Ramallah governorates.
- *Case load:* The case loads of the governor's offices vary between 100 cases a year (Jenin governorate), 400 (Nablus governorate) and 1000 (Hebron governorate). No exact numbers are available for the governor's office in Ramallah, but it receives a great number of complaints every year (around 2000 in 2009 for example).
- *Limited means to ensure the safety and security of complainants:* The governor's offices have different, but only limited means to ensure the complainants' safety. In Jenin, conflicting parties can be asked to sign an agreement stating that they commit not to harm each other. In the Nablus governorate, the governor's office might ask the police to intervene for the complainants' protection.

Table 4: Approximate number of citizens' complaints received/processed per year	
Governorate	Case load and invalid complaints
Jenin	<ul style="list-style-type: none"> • Approximately 100 complaints per year. • Governor's office only rejects very few cases each year.
Nablus	<ul style="list-style-type: none"> • Case load of legal department amounts to 720 cases per year. Only half of them fall under the jurisdiction of the governorate. • Around half of the complaints submitted to the department are rejected each year.
Hebron	<ul style="list-style-type: none"> • Case load per year is around 1000. Number of complaints decreased after the end of the period of instability. • Governor's office only rejects very few cases each year.
Ramallah	<ul style="list-style-type: none"> • Legal department does not collect statistics about case load. However, it receives a great number of complaints every year. • There is no information available on the number of cases rejected.

Communication, reputation and evaluation

- **Reputation:** Generally speaking, the governor's offices in the four governorates are satisfied with their reputation. In Hebron, the governorate authorities believe that they have a reputation to be working in a credible and confidential way. In Nablus, their reputation is to be professional, transparent and credible. The Ramallah authorities have mentioned the gratitude expressed by citizens for the good service that the legal department and the governor deliver.
- **Awareness raising and public relations:** In all governorates, the authorities believe that the beneficiaries are generally well informed about the existing complaints mechanisms and know how they can contact the governor's offices. The Jenin governor's office mentioned the need to make its Women Unit better known, while the Nablus legal department recognised that people from remote areas might be less informed than those from the main cities. In terms of informing the citizens about the governorates' services through the media, only the Nablus governorate currently carries out a media campaign. However, all four governorate administrations recognise the potential usefulness of advertising

in the local media. The authorities in Jenin, Nablus, Hebron and Ramallah plan to make use of a mix of communication channels and to organise events in order to promote their work. The potential means of communication mentioned for this purpose have been: local radio stations, TV channels, the internet, publications, leaflets, the governorate newspaper, street signs, but also organising workshops and conferences.

- **Monitoring and evaluation:** None of the governor's office in the four governorates under review conducted beneficiary surveys or periodic evaluations to assess their work. The legal department in Nablus stated their interest in introducing beneficiary satisfaction surveys in the future.

Needs Assessment of Complaints Mechanisms in Four Selected Governorates of the West Bank (Jenin, Nablus, Ramallah and Hebron)

The needs assessment process in the four governorates showed that handling citizens' complaints against the security forces poses a number of challenges. Some of these challenges, such as a lack of access and restricted freedom of movement due to Israeli occupation policies fall outside the remit of this study, so do jurisdictional problems resulting from occupation. In terms of internal challenges, representatives of the four governorates identified a number of needs that would need to be tackled in order to further develop the existing complaints mechanisms and transform them into fully-fledged complaints units or departments at the governorate level. The needs can be grouped around three themes: 1. Developing the legal framework; 2. Developing the institutional framework; 3. Providing sufficient resources.

▪ **Need 1: Develop the legal framework:**

The legal framework for handling complaints through the governors' offices is incomplete. There is a need to develop the legal framework irrespective of whether complaints are handled through the existing legal departments and subordinate complaints units or through special complaints departments. According to participants in the working groups, complaints are handled on the basis of Jordanian legislation, supplemented by decrees and decisions issued by the President of the PNA.

- *Enact legislation that specifies mandate and jurisdiction of complaints mechanisms:* Participants in the review process wished that the PNA enacted new legislation to

specify the mandate and jurisdiction of the complaints mechanisms. Participants felt that there is a need for new legislation to establish specific complaints units or departments at governor's offices.

- *Clarify nature of the Regulation on Complaints No. 6 of 2009 of the Council of Ministers:* The Regulation on Complaints No. 6 of 2009 of the Council of Ministers in theory provides a legal basis for the work of the complaints units at the governorate level. However, its application is contested due to the subordination of the governorates to the Office of the President. There is an important need to clarify the technical and administrative subordination of the governorates and whether or not this regulation is applicable to the governorates.
- *Establish the authority to conduct pro-active investigations:* New legislation could broaden the mandate of the complaints units to conduct pro-active investigations without having received personal complaints beforehand.
- *Enact legislation that requires complaints units or departments to publish regular reports:* Another idea suggested by the participants was to include a provision that requires the complaints units to publish regular reports about their complaints handling work.

- **Need 2: Develop the institutional framework:** Participants in the review process recommended the establishment of

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

special complaints departments or units at the governorate level.

- *Allocate the complaints handling function to a specialised complaints unit or department:* In the governorates reviewed, complaints handling functions are currently spread between various administrative units, such as for instance the legal, security and administrative affairs departments. Participants wished that the functions be integrated into a single administrative unit. This could be achieved through the establishment/activation of complaints units subordinate to the legal departments or specialised complaints departments.
- *Unify handling of complaints across all governments:* Participants wished that the working mechanisms and procedures of the complaints units or departments, which currently vary between governorates, be unified. The mandate and jurisdiction, as well as the complaints handling procedures of such units or departments would have to be put on a clear legal basis.
- *Establish mechanisms that follow up on the implementation of recommendations:* Moreover, participants mentioned the difficulty of implementing recommendations made and decisions taken on the basis of complaints. They suggested establishing mechanisms to enforce implementation of the arbitration decisions issued in response to complaints, in particular vis-à-vis the tribal law system. This may entail delineating the responsibility of tribal mechanisms and the complaints units or departments and developing systematic procedures of coordination between tribal institutions, such as reconciliation committees, and the complaints units or departments.
- *Clarify the legal nature of recommendations:* Participants cautioned that the legal character of the legal departments' recommendations was not clear.
- *Make submitting complaints easier:* In terms of citizens' access to the complaints

system, participants expressed their wish that the filing of complaints should be made easier for citizens living outside the urban areas. For this, the governorate administrations could consider developing additional means to receive and collect complaints, such as setting up a special letterbox in municipality buildings or organising regular public consultation meetings.

- *Develop systematic outreach mechanisms:* Finally, participants stated the need to develop systematic outreach mechanisms, such as media programmes, and evaluation mechanisms, such as regular surveys with the beneficiaries.
 - *Improve the evaluation of performance:* As a means of evaluation of performance, the governorates could also consider introducing regular polls with the population in the governorate to gauge their opinion on the follow-up of complaints.
- **Need 3: Provide adequate resources:** Participants in the review process expressed the need to secure sufficient resources for dealing with complaints.
- *Allocate an appropriate budget:* Participants suggested that these complaints units or departments would be given adequate budgets that could be spent independently.
 - *Provide adequate infrastructure:* The lack of logistical capacities and infrastructure is a severe shortfall of the current complaints system. This includes inadequate office space, IT systems, lacking means of communication and vehicles to conduct field visits. Also, there is currently no unified archiving and documentation system for complaints and their follow-up.
 - *Develop adequate training programmes:* Participants in the review process also identified needs in terms of training and assistance to set up sound documentation systems. Training in strategic planning and management as well as computer literacy would also be beneficial.

Annex: Legislation

Palestinian National Authority Legislation

Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of Governors

The President of the State of Palestine,
Chairman of the Executive Committee of the
Palestine Liberation Organisation,
President of the Palestinian National Authority,

Based upon the powers bestowed upon me, and
Based upon the requirement of the public
interest,

I hereby promulgate the following Decree:

Article 1

- A. Each Governorate shall have a Governor, on the appointment and exemption of the position of whom a decision from the President of the National Authority shall be issued forth. He shall be in the grade of _____.
- B. The Governor shall exercise his power in the administration of his Governorate in accordance with his powers, which are prescribed under this Decision.

The Governor shall make before the President of the National Authority, prior to the commencement of the tasks of his function, the following oath:

"I hereby swear by the Almighty God to be sincere to Palestine, observe interests of the people, respect the Constitution and Law and perform my work with all trustworthiness and sincerity."

Article 2

The Governor shall be the representative of the President of the Palestinian National Authority, the

Head of Public Administration and the supreme authority in his Governorate. He shall supervise the implementation of the public policy of the Authority and the service and production facilities within the scope of his Governorate.

Article 3

The Governorate shall have an independent juridical character and shall have its special budget.

Article 4

The administrative apparatus of the Governorate shall consist of the Governor, his Deputy and a number of advisors and administrative employees. (The Governor shall have the jurisdictions and powers of the Minister in relation to the administrative employees).

Article 5: Jurisdictions and Powers of the Governor

The Governor shall exercise the following jurisdictions and powers:

1. Preserve public security, morals, order, public ethics and public health, as well as protect public freedoms and citizens' rights.
2. Protect public and private properties and bring about security in his Governorate, to be assisted in this by the Commanders of Police and Public Security in the Governorate. Regular and permanent meetings shall be in place between them.
3. Work towards economic, urban and social prosperity in the Governorate, achieve equality and justice, and safeguard the rule of law.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

4. Take all measures and actions necessary to confront natural disasters and incidents of significance.

Article 6

The Governor shall enforce the laws, regulations, instructions and orders issued forth by the President of the National Authority or the Council of Ministers.

Article 7

The Governor shall perform the function of the Judicial Police in relation to the flagrant offence. He shall also be entitled to notify the Public Prosecution of non-flagrant offence, which he views.

Article 8

The Governor shall be the highest Executive Authority and Head of Public Administration in his Governorate. Thereupon, the Governor shall be entitled to chair:

- A. The Executive Board in the Governorate, which consists of:
 1. Directors of government bodies in the Governorate, with the exception of courts and Public Prosecution.
 2. A number of heads of municipal councils in the Governorate.
- B. He shall preside over the Planning and Zoning Committee within the scope of his Governorate, which shall comprise:

A number of chairpersons of municipalities and local councils in the Governorate.

Article 9

In cooperation with the competent authorities and in accordance with the applicable laws, regulations and instructions, the Governor shall be empowered to supervise, observe and work towards delivering local services, which are of interest to the citizens in the Governorate, including health, educational, cultural, social, urban, development and other services.

Article 10

All competent authorities, each within the sphere of its jurisdiction, shall implement this Decree,

which shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.

Promulgated in the city of Ramallah on January 1st, 2003 *Anno Domini*.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

Law on Arbitration No. 3 of 2000

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

President of the Palestinian National Authority,

After review of Arbitration Law for the year 1926, as amended, in application in the Gaza Governorates,

And Law on Foreign Arbitration Decisions for the year 1930, as amended, in effect in the Gaza Governorates,

And Arbitration Procedures for the Year 1935, in force in the Gaza Governorates,

And Law on the Enforcement of Foreign Provisions No. 8 for the year 1952 in effect in the West Bank Governorates,

And Arbitration Law No. 18 for the year 1953, in effect in the West Bank Governorates,

And the Land Courts Law promulgated on 8 April 1921, particularly Article 8 thereof, applicable in the Gaza Governorates,

And after ratification by the Legislative Council in its session of 3 February 2000 AD,

We promulgated the following law:

Chapter One: Definitions and General Provisions

Article 1

For the purpose of the application of the provisions of this law, the following terms and expressions shall have the meanings specified hereunder unless otherwise specified:

Arbitration:

A means for dispute settlement between the parties to the dispute by presenting the issues in conflict before an arbitration panel to make a decision thereon.

Arbitrator:

A natural person who fulfills the tasks of arbitration.

Arbitration Panel:

One or more persons who undertake settlement of disputes.

Casting Arbitrator:

The arbitrator who makes the arbitration judgment when majority is not achieved.

Expert:

Any person qualified in a certain domain and who can be consulted to explain technical issues related to his field of specialty that any other person would not be able to perform.

Competent court:

A court that is originally competent to review the dispute submitted to the Arbitration Panel in case of local arbitration. If the arbitration taking place in Palestine is international, the competent court shall be the first-instance court within the geographic limits this court is entitled to cover. In case of foreign arbitration, the competent court in registration and implementation of the decisions of arbitration shall be the first-instance court in Jerusalem, capital of the state of Palestine or in the temporary premises thereof in Gaza.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Article 2

Without jeopardizing the provisions of Article 4 of this law, the provisions of this law shall apply in arbitration between natural or legal persons who enjoy legal capacity to hold rights regardless of the nature of the legal relation subject of the conflict, while taking into consideration the international agreements in which Palestine is a signatory member.

Article 3

For the purposes of this law, arbitration shall be:

First, local if it is not a matter of international trade and is taking place in Palestine.

Second, international if the issues at conflict related to economic, trade or civil issues in the following cases:

- A. If the headquarters of the parties in arbitration are in different countries in the time of conclusion of the agreement on arbitration. If any of the parties has several business centers, his headquarters shall be defined as the center that is more closely linked to the agreement on arbitration. If any of the parties has no business center, his place of residence shall be considered.
- B. If the issues at conflict included in the agreement on arbitration are linked to more than one country.
- C. If the headquarters for the business of each of the parties in arbitration are in the same country upon signature of the agreement on arbitration and that one of the following centers is located in another country.
 1. the location to make the arbitration as is specified in the agreement on arbitration or as is explained the manner of specification thereof;
 2. the center for the implementation of an essential part of the commitments arising from the trade or contractual relation between the parties;
 3. the place that is most linked to the issues at conflict.

Third, foreign if it takes place outside Palestine.

Forth, special if it is not organized by an institution specialized in arbitration.

Fifth, institutional if it is performed via any organization specialized in arbitration and the supervision thereof whether it be in or outside Palestine.

Article 4

The provisions of this law shall not apply to the following matters:

1. Issues related to public order in Palestine.
2. Issues that cannot be solved by conciliation by law.
3. Disputes related to personal status.

Chapter Two: Agreement on Arbitration

Article 5

1. The agreement on arbitration is an agreement between two or more parties stipulating for referral of all or some of the conflicts that emanated or may emanate from a specific legal relation whether contractual or not contractual. The agreement on arbitration may be in the form of arbitration clause in a contract or in a separate agreement.
2. The agreement on arbitration must be written.
3. The agreement on arbitration shall be considered written if it includes a text signed by the parties or if it is implied by exchange of letters, telegrams or any other written documents between them.
4. If the agreement on arbitration is made pursuant to the emergence of the conflict, it must include the issues at conflict or it would be void.
5. If the arbitration clause is made on a separate agreement, it shall not be void upon breach, annulment or termination of the contract.
6. The agreement on arbitration may not be revised without approval by the parties or by a ruling from the competent court.

Article 6

The agreement on arbitration shall not end with the death of any of the parties unless the conflict is related to the person of the party who died.

Article 7

1. If any of the parties of arbitration initiates any legal action before any court against the other party regarding a matter that was agreed upon to be referred to arbitration, the other party, before debates start on the claim, shall have the right to request from the court to end this procedure. In which case, the court must make this ruling if it is convinced of the validity of the agreement on arbitration.
2. Such legal action as stated here above may not be initiated before commencement and continuation of arbitration procedures or after the arbitration decision is made.

Chapter Three: Arbitration Panel

Article 8

1. An arbitration panel shall be formed of one or more arbitrators with agreement of the parties.
2. If there is no agreement on the formation of a panel for arbitration, each party shall choose an arbitrator and the arbitrators shall choose a casting arbitrator unless the parties agree to proceed otherwise.

Article 9

Any arbitrator must possess full legal capacity and enjoy all civil rights; he must not be sentenced for any felony or misdemeanor that harms honor or honesty nor can he be in bankruptcy unless he is redeemed.

Article 10

Without jeopardizing the provisions of this law, if the agreement on arbitration assigns an arbitration organization, the rules of this organization shall apply for the follow up of arbitration procedures, including designation and monitoring of the arbitration panel, specification of necessary cost and the distribution thereof on parties as well as making decisions regarding revocation of the panel or any of its members.

Article 11

1. Upon request of any of the parties or the arbitration panel, the competent court shall assign a casting arbitrator from the records of arbitrators certified by the Ministry of Justice in the following cases:
 - A. If the agreement on arbitration provides for referral of the conflict to one arbitrator and that the parties do not reach agreement on the designation thereof;
 - B. If each party has the right to assign an arbitrator and has not done so;
 - C. If the arbitrator does not accept to undertake this mission within fifteen days from the date on which he was informed of his selection as arbitrator;
 - D. If the arbitrator or any of the arbitrators of any of the parties in case of multiple arbitration cannot perform this mission due to loss of capacity or inability and that the parties do not assign a successor thereof.
 - E. If the arbitrators are to assign a casting arbitrator but do not agree thereon.
 - F. If the casting arbitrator refuses or is unable to perform arbitration and that the agreement on arbitration does not stipulate for the designation of a successor thereof and that the parties do not agree on the nomination of this successor;
2. The court shall make its decision within fifteen days from the date of reporting to the other party through a copy of the claim. The decision of the court shall be irrevocable.

Article 12

1. Any arbitrator shall prove acceptance of this mission in writing and by signing the agreement on arbitration. He must inform the parties upon acceptance of this mission of any circumstances that may raise doubts about his independence or impartiality.
2. Any arbitrator shall not be allowed, without excuse, to relinquish the procedures of arbitration after accepting to fulfill such mission.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Article 13

1. It shall not be allowed to request dismissal of any arbitrator unless there are justifiable circumstances that raise doubts about his impartiality or independence. No party in arbitration shall be allowed to dismiss any arbitrator assigned or co-designated thereby if not for causes discovered after the designation of this arbitrator.
2. While taking into account paragraph 1 hereabove, it shall be prohibited to request dismissal of the arbitration panel after hearing the evidence of the parties.

Article 14

1. If any of the parties in conflict has a reason to request dismissal of the arbitration panel or of any of the members thereof, it must submit a written request within fifteen days from the date it became aware of such reason to the arbitration panel or institution in case of recourse to institutional arbitration.
2. If the request for dismissal is rejected, the submitting party thereof shall have the right to appeal before the competent court within fifteen days from the date of issuance of the decision, in which case the court's decision shall be irrevocable.
3. Any request for dismissal or appeal before the court shall entail suspension of the arbitration procedures until a decision is made regarding the appeal.

Article 15

1. If the mandate of any arbitrator expires as a result of death, dismissal or quash or for any other reason, a successor thereof shall be appointed in the same manner the first arbitrator was designated or in accordance with the procedures set forth in Article 11 of this law.
2. Arbitration procedures shall be suspended till appointment of a new arbitrator.

Article 16

The arbitration panel shall be responsible for the settlement of the following matters:

1. Issues related to competence.

2. Issues related to the agreement on arbitration.
3. Requests to dismiss the arbitration panel or any of its members
4. Pleas related to the arbitration presented before it.

Article 17

The arbitration panel shall have the right to consult with the competent court on any legal aspects emanating in the conflict.

Article 18

The parties may agree on the procedural rules that must be adopted by the arbitration panel. In the event they do not agree, the arbitration panel shall proceed with the procedures applicable in the place of arbitration.

Article 19

1. Parties in international arbitration may agree on the law to be applicable in case of conflict. In the absence of such agreement, the arbitration panel shall apply the Palestinian law.
2. In case of international arbitration taking place in Palestine and that the parties do not reach agreement on the law to be applicable, statute rules referred to on regulations regarding conflict in application of laws in the Palestinian law shall apply, taking into consideration that the rules of revenue cannot apply unless they stipulate for application of the Palestinian law. In all cases, the arbitration panel shall take into consideration the customs applicable to the relation between the parties in conflict.

Chapter Four: Arbitration procedures

Article 20

The arbitration panel shall start operation upon referral of the conflict thereto and its acceptance to arbitration between the parties.

Article 21

If the arbitration parties do not agree on the place for arbitration, it shall take place in the place determined by the arbitration panel taking into

consideration the circumstances of the conflict and the suitability of the place for members; the arbitration panel may hold one or more sessions in any other place it deems fit.

Article 22

1. Arbitration shall take place in Arabic unless the parties agree otherwise. In case of multiplicity of languages, the arbitration panel shall set the language(s) to adopt.
2. The arbitration panel may request from any of the parties to submit written documents translated into Arabic or in any of the languages adopted thereby.
3. The arbitration panel may have recourse to a certified translator in case of multiplicity of languages of the parties in conflict.

Article 23

1. The plaintiff must within the period set by the arbitration panel send to the defendant and to the arbitration panel a comprehensive written statement explicating his case and the disputed matters, accompanied with copies of any evidence documents.
2. (a) The defendant must, within thirteen days from the date he received the statement of the plaintiff and other documents, submit a detailed brief accompanied with evidence documents and send copies of the brief and documents to the plaintiff and arbitration panel.
(b) The arbitration panel may extend the period set forth in paragraph (a) hereabove in the manner it deems fit.
3. The arbitration panel may at any of the stages of the conflict request from the parties to submit the original of the documents submitted thereto unless the parties of the arbitration agree on accepting only copies of these documents.

Article 24

The arbitration panel shall set a date to hear the parties and shall inform them of such date in adequate time. The panel may hear the parties or consider the briefs and documents sufficient if the parties agree thereon.

Article 25

Submission of documents to the person that must be informed thereof shall be made to him in person or to his workplace or usual residence or postal address specified in the arbitration agreement and in the contract regulating this relation unless the parties agree otherwise.

Article 26

1. If the plaintiff fails to submit the written statement set forth in paragraph 1 of Article 23 of this law without acceptable reasons, the arbitration panel must upon request of the defendant dismiss the case.
2. If the defendant does not submit the brief set forth in paragraph 2 of Article 23 stated hereabove without acceptable reasons, the arbitration panel must upon request of the plaintiff continue the procedures without considering such act as acceptance by the defendant of the pleas of the plaintiff. The arbitration panel may in this case make a judgment in absentia based on the evidence submitted thereto.

Article 27

The arbitration panel shall hear evidence of the parties and write down the minutes of each session in a registry signed in accordance with the law in force and shall submit copies thereof to each of the parties upon request.

Article 28

1. The arbitration panel may upon request thereof or of any of the parties of arbitration summon any witness to testify or to submit any documents.
2. If such witness refuses to appear before the arbitration panel, the panel shall have the right to request from the competent court to summon the witness on the date set therefor.

Article 29

The arbitration panel may request from the competent court to make a proxy decision to hear the evidence of a witness living outside the area of jurisdiction of the court and unable to appear before it.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Article 30

The arbitration panel may upon request of any of the parties or by its own decision appoint one or more experts in any matter it determines, in which case each party must submit to such expert any information or document related to this matter.

Article 31

1. The arbitration panel shall send a copy of the expert's report to all of the parties while providing for an opportunity to question the expert before the arbitration panel in a session set for this purpose.
2. Every party shall have the right to call one or more experts to give their opinion on the matters dealt with in the report of the expert assigned by the arbitration panel.

Article 32

1. In the event of claim of fraud of any essential document related to the matters of conflict before the arbitration panel, the claiming party shall be requested to prove the claim before competent bodies.
2. The procedures of arbitration shall be suspended until a decision is made regarding the claim of falsification if the claimant proves that he had submitted his claim to the competent bodies within one week from the date he was asked to do so.

Article 33

The arbitration panel, upon review of the conflict, may issue orders for precautionary or urgent measures it deems fit against any of the parties of arbitration if the agreement on arbitration states for such measures, in which case the ruling made shall have the force of a judgment by the competent court and shall be implemented in the same manner of implementation of judgments and decisions.

Article 24

The arbitration panel may decide to oblige the parties to payment of any sums it deems fit to cover the expenses incurred by the arbitration provided that the agreement on arbitration states clearly that this principle is acceptable. If the parties or anyone thereof fails to pay the sums due

to the arbitration panel, the panel may request the competent court to issue a ruling therefor.

Chapter Five: Arbitration decisions and appeals

Article 35

1. Each of the arbitration parties shall have the right to amend or complete its claims or pleas during the arbitration procedures unless the arbitration panel decides to dismiss such right to prevent hindering the settlement of dispute.
2. After completion of evidence of the parties, the arbitration panel shall decide to suspend the case for issuance of judgment while allowing the parties to submit final plea within the period set by the panel.

Article 36

The parties in conflict may delegate the arbitration panel to proceed with conciliation among them on the bases of justice. The arbitration panel may upon request of any of the parties or by its own decision suggest a friendly settlement or the dispute.

Article 37

If the parties agree before issuance of the arbitration decision to settle the dispute, the arbitration panel shall make a decision to ratify the settlement within the terms agreed upon and shall consider such settlement as a decision of the panel.

Article 38

1.
 - a. The arbitration panel must issue the decision settling the dispute within the period agreed upon by the parties.
 - b. Unless the parties agree otherwise, the decision must be made within twelve months from the date of commencement of the arbitration procedures. In all cases the arbitration panel may extend this period by a delay not exceeding six months.
2. In the event no arbitration decision is made within the period set forth in paragraph (a) hereabove, any of the arbitration parties may request from the competent court to

extend the period of arbitration or to end the arbitration procedures. In which case, the parties shall have the right to file a case with the competent court.

3. The arbitration panel shall make its final decision in the conflict within three months from the date it suspended the case for judgment, and shall have the right to expend this period if such extension is deemed necessary.
4. Arbitration decisions shall be made by unanimity or majority of opinions after debates if the arbitration panel is composed of more than one arbitrator or by decision of the casting arbitrator if no majority is obtained.

Article 39

1. The arbitration decision shall include summary of the agreement on arbitration, the parties of the arbitration as well as the issues of arbitration, heard and written evidence, claims and the reasons and phrasing for the decision in addition to the date and place of issuance and the signature of the arbitration panel.
2. The arbitration panel shall include in its decision any matters related to fees, expenses and remuneration incurred by the arbitration and the mode of payment thereof.

Article 40

The arbitration panel shall make its decisions in presence of the parties. If one or more of the parties is absent albeit being informed, the panel shall make its decision in this session and inform the absent party thereof. In which case the decision shall be considered *in presentia* unless otherwise is agreed by the parties.

Article 41

Without jeopardizing the provisions of the law, the decision of arbitration or any part thereof may not be published without approval of the parties of arbitration or of the competent court.

Article 42

1. The arbitration panel may on its own or upon request from any of the parties provided such

request is submitted within thirty days from being informed of the arbitration decision or informing the other party, correct any accountancy, written or any other material mistakes that occurred in its decision. This correction shall be made on the original copy of the decision and shall be signed by the arbitration panel.

2. The correction must be made within thirty days from the date of issuance of judgment if the correction is to be made by the same panel, within thirty days from receiving the request for correction if the correction is to be made upon request of any of the parties.
3. The arbitration panel may upon request submitted by any of the parties within thirty days after being informed of the arbitration decision and provided that the other party is informed, explain specific points stated in the arbitration decision or in any parts thereof. If the arbitration panel is convinced of the request to explain, it shall make its decision within thirty days from the date it received the request, in which case, the decision of explanation shall be considered complementary to the arbitration decision it explains and shall be subject to the same provisions.
4. If the arbitration panel cannot convene in reason of death or illness of any of the arbitrators, the competent court shall dissolve the arbitration panel unless is otherwise explicitly specified.

Article 43

All of the parties of arbitration shall have the right to appeal against the decision of arbitration before the competent court for any of the following reasons:

1. In the event any of the parties of arbitration does not enjoy all or part of his capacity in accordance with the law governing such capacity unless this party is represented in correct legal manner.
2. If the arbitration panel or any of the members thereof is affected by any cause for loss of capacity before issuance of the decision of arbitration.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

3. In case of violation thereof of the public order in Palestine.
4. Repeal of the arbitration agreement or annulment thereof upon termination of duration.
5. Misconduct by the arbitration panel or violation of what the parties had agreed on regarding application of legal rules on the issues in dispute or in the event the panel does not abide to the agreement or issues of arbitration.
6. If the decision of arbitration is considered null or if the procedures thereof are void thus making the decision null.
7. If the decision of arbitration is obtained by fraud or swindle unless the decision had been implemented before discovery of such fraud or swindle.

Article 44

1. The request to appeal against the arbitration decision shall be submitted to the competent court within thirty days as from the day subsequent to the date on which the decision was made if the arbitration decision is made in the presence of the parties; otherwise the appeal can be made as from the day subsequent to the date on which the parties were informed of the decision.
2. If the appeal to the arbitration decision is based on paragraph 7 of Article 43 of this law, the due date for appeal shall start as from the date on which fraud or swindle was discovered.

Article 45

1. If the period set forth in Article 44 of this law elapses without appeal to the arbitration decision, the competent court shall upon request of any of the parties ratify this decision and make it enforceable, in which case the decision shall be final and implemented in the same way of implementation of courts decisions.
2. If the competent court decides to reject the request for appeal, it shall consider the arbitration decision correct and make it enforceable.

3. If the competent court decides to revoke the arbitration decision, it may if it deems fit, refer the conflict to the arbitration panel again for review of some aspects determined by the court.

Article 46

Taking into account the provisions of Article 44 of this law, the due dates applicable to the appeal of decisions made by the competent court shall be subject to the rules and procedures of appeal applicable in the court treating the appeal.

Article 47

After ratification of the arbitration decision by the competent court, it shall have the same power and effect as court decisions and shall be implemented in the manner used to implement any ruling or decision emanating from any court in compliance with the applicable procedures.

Article 48

Taking into consideration the international agreements adhered by Palestine and the laws in effect in Palestine, the competent court may, even upon its own consideration, refuse to implement a foreign arbitration decision in any of the two following cases:

1. If the decision violates public order in Palestine;
2. If the decision is not conform to the international treaties and agreements applicable in Palestine.

Article 49

Any party convicted by a foreign arbitration decision may request from the competent court to stop implementation of the decision of arbitration based on any of the following reasons:

1. If this party proves to the court validity of any of the reasons set forth in Article 43 of this law.
2. If it proves that the decision was nullified or the implementation thereof was suspended by any of the courts in the country in which the decision was made.

3. If the convicted party proves that the decision to be implemented was appealed in the country in which it was made and that no settlement has been reached regarding the appeal, in which case the competent court must suspend registration of the decision till issuance of a ruling regarding the appeal thereto.
4. If any of the courts in Palestine had issued a verdict that contradicts with the decision in a case filed between the same parties regarding the same matter and facts of conflict.

Article 50

Any party requesting implementation of any foreign arbitration decision must submit to the competent court the following items:

1. The foreign arbitration decision ratified by the Palestinian political representative or consul if any.
2. The decision must be translated into Arabic by a legal translator certified by the competent bodies, and the translation must be ratified by the political or consular representative of the country of the party requesting the registration. Or, the decision must be translated by a Palestinian legal sworn-in translator.

Article 51

The party convicted shall be sent a copy of the execution order and annexes thereof in accordance with applicable procedures.

Article 52

The convicted party may, upon receipt of the execution order in compliance with applicable procedures, submit a brief to the court within thirty days from the date on which it was informed. The other party shall be informed by a copy of the brief in accordance with applicable procedures.

Article 53

The decision of the competent court to implement or reject a foreign arbitration decision shall be revocable by appeal within thirty days from the date subsequent to the day on which it was issued if it was made in presence of the parties or on the

next day after the date on which it was informed to the parties in case of decision *in absentia*.

Chapter Six: Final provisions

Article 54

The Minister of Justice shall issue the decisions, guidelines and rulings related to the list of certified arbitrators set forth in Article 11 of this law.

Article 55

The Ministerial Cabinet shall issue the regulations and decisions necessary for the implementation of the provisions of this law within a period not exceeding six months after the date of the publication thereof.

Article 56

The provisions of this law shall apply to any arbitration undergoing upon enforcement of this law and that it was not suspended for judgment therein.

Article 57

Any provisions that contradict with the provisions of this law shall be repealed.

Article 58

All competent bodies, each within the limits of its jurisdiction, shall implement the provisions of this law, which shall come into effect thirty days after its publication in the Official Gazette.

Promulgated in the City of Gaza on 5th April 2000, that is 1st Muharam 1421 Hegira.

Yasser Arafat

Chairman of the Executive Committee of the Palestine Liberation Organization

President of the Palestinian National Authority

Palestinian National Authority Council of Ministers: The Regulation on Complaints No. 6 of 2009

The Council of Ministers,

In reference of the Amended Basic Law of 2003 A.D. and its Amendments, particularly the provisions of Article 68 thereof,

Having reviewed the Decision of the Council of Ministers No. 13/10/2003/PM.CoM/AQ of 2003 A.D.,

The Decision of the Council of Ministers No. 05/03/09/CoM/AQ of 2005 A.D., and

The Regulation on the Department of Complaints at the Council of Ministers and Units of Complaints at Ministries, promulgated on May 3rd, 2005 A.D.;

Based upon the recommendation of the Higher National Group of the Legislative Plan;

Based upon what the Council of Minister approved in its session, which convened in the city of Ramallah on March 8th, 2009 A.D.,

Hereby promulgates the following Regulation:

Chapter I: Definitions

Article 1: Definitions

Upon the enforcement of the provisions of this Regulation, the following words and expressions shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Council:

The Council of Ministers.

The Premier:

The Prime Minister.

The Prime Ministry:

The Palestinian Prime Ministry, which consists of the Cabinet Secretariat of the Council of Ministers and the Office of the Prime Minister.

The Secretary General:

The Secretary General of the Council of Ministers/ Chairman of the Office of the Prime Minister.

Directorate General of Complaints:

The Directorate General of Complaints at the Prime Ministry.

Units and offices:

The Complaints Units and Offices at government institutions and Governorates.

Head of the government institution:

The competent Minister in his ministry or the head of the non-ministerial institution in accordance with the law.

Government institutions:

The ministries, institutions, bodies and authorities that report to the Council of Ministers.

Chapter II: The Directorate General of Complaints

Article 2: Composition

A specialised directorate general shall be composed in the Council. Its structure shall be approved within the general structure of the Prime Ministry. It shall report directly to the Secretary General and shall be named

the Directorate General of Complaints. It shall consist of three departments. An employee shall assume its administration in accordance with the following criteria:

1. An employee in line with the functional hierarchy from the higher category.
2. To hold the bachelor degree in humanities.
3. To have experience for a period of not less than seven years in the field of administrative or legal work.
4. To have adequate experience in dealing with the public as well as public service ethics.
5. Not to have been convicted with a crime or misdemeanour of moral turpitude unless he is re-incapacitated.
6. To be of good conduct and repute.

Article 3: Technical Support and Supervision

The Directorate General of Complaints shall solely carry out all processes of technical support and supervision; monitoring, coordination and support of units at ministries and offices at governorates; and coordination with the Complaints Department of the Office of the President of the Palestinian National Authority.

Article 4: Departments of the Directorate General of Complaints

The Directorate General of Complaints shall consist of three departments as follows:

1. The Department of Follow-up with Units and Offices.
2. The Department of Coordination with the Complaints Unit at the President's Office, at the Legislative Council and with nongovernmental institutions.
3. The Department of Documentation, Archive and Reception.

Article 5: The Quarterly Report

The Directorate General of Complaints shall develop a regular quarterly report on the complaints submitted thereto or to the units and offices and submit to the Secretary General for presentation to the Council.

Article 6: The Complaints Examined by the Directorate General of Complaints

The Directorate General shall examine the following complaints:

1. Those filed against the government institutions.
2. Those relating to the abstention from executing final judicial rulings entered against government institutions.
3. The complaints lodged by civil society organisations in relation to the performance of the government and the institutions reporting thereto.
4. The complaints on which a decision has been made or which have been rejected by a unit or office in the event new substantial data appear and change the course of the complaint.

Article 7: The Complaints Not Examined by the Directorate General of Complaints

The Directorate General shall not examine the following complaints:

1. The complaints heard by the Judiciary.
2. The complaints pertaining to conflicts between persons, whether they were natural or juridical.
3. The complaints, on the subject matter of which a definitive judicial ruling had been entered.
4. The complaints submitted by citizens in relation to making use of humanitarian aid and internal or external grants.
5. The complaints, on [the filing of] which more than a whole year has elapsed.

Chapter III: Units and Offices

Article 8: Composition of the Units and Offices

1. Specialised units shall be composed in government institutions. Their organisational structure and job description shall be approved within the organisational structure of the institution and shall be named the Complaints Units at ministries as a minimum, and Complaints Offices at governorates.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

2. The units shall report immediately to the Minister.
3. The units and offices shall report technically to the Directorate General of Complaints at the Prime Ministry. An employee shall assume their administration in accordance with the following criteria:
 1. A civil servant shall assume the administration of the unit in accordance with the functional hierarchy from the A4-C [Grade] and shall be assisted by a sufficient number of employees.
 2. To hold the first university degree.
 3. To have experience for a period of not less than five years in the field of administrative or legal work.
 4. To have adequate experience in dealing with the public as well as in public service ethics.
 5. In regard of the Offices of governorates, the Governor may select the person whom he deems to be fit to receive and follow up with the complaints in the governorate.

Article 9: Jurisdictions and Tasks

Jurisdictions and tasks of units and offices:

1. To receive and follow up with the citizens' complaints relating to the performance of government institutions and their employees.
2. To coordinate and cooperate with Directorate General.
3. The units and offices shall coordinate and cooperate amongst them and in relation to complaints and common issues.

Article 10: The Units' Regular Report

The units and offices shall adhere to submitting a regular quarterly report to the Directorate General of Complaints, including information on the complaints; their number; completed, remaining and rejected ones; reasons of delay; in addition to the problems the Unit faces in the course of performing its function in accordance with administrative and legal rules.

Article 11: The Complaints Examined by the Units and Offices

The units and offices shall examine the following complaints:

1. Those filed against the government institutions.
2. Those relating to the follow-up of the execution of the final judicial rulings entered against government institutions.
3. Those lodged by civil society organisations in relation to the performance of the institution to which the units and offices report.

Article 12: The Complaints Not Examined by the Units and Offices

The units and offices shall not examine the following complaints:

1. The complaints heard by the Judiciary.
2. The complaints, on the subject matter of which a definitive judicial ruling had been entered.
3. The complaints pertaining to conflicts between persons, whether they were natural or juridical.
4. The complaints previously presented to the Complaints Unit, which decided to refuse or those which had been processed and a decision made thereon.
5. The complaints on humanitarian aid and external grants.

Chapter IV: Institutions' Commitment and Observation of the Periods of Judicial Contestation

Article 13: Commitment of Official Institutions

In the course of facilitating the mission of the Directorate General of Complaints and units and offices, official institutions with a relation to the subject of the complaint shall be committed to present all the documents related to the issue complained of on the allotted time.

Article 14: The Written Response

The Directorate General of Complaints or the units and offices must respond in writing to

the complainant, [regardless of] whether the response was positive or negative, within a maximum period of thirty days.

Article 15: Observation of the Periods of Judicial Contestation

Upon the examination of complaints, the Directorate General of Complaints and the units and offices shall observe the periods of judicial contestation which are applicable at the High Court of Justice and prescribed under the Law of Civil Service, Law of Civil and Commercial Procedure and their amendments, as well as by any other law in this regard.

Article 16: Resorting to the Judiciary

The complainant shall have the right, if he so wants, to resort to the Judiciary to adjudicate his complaint.

Chapter V: Complaints against the Directorate General and Units and Offices

Article 17: Complaints against Employees of the Directorate General of Complaints

In the event the complaint is filed against the Chairman of or an employee at the Directorate General of Complaints, it shall be submitted immediately to the Secretary General in order to take the proper procedures thereon.

Article 18: Complaints against the Employees of Units or Offices

In the event the complaint is filed against the officer in charge of or an employee at the units and offices, it shall be submitted immediately to the Minister or Governor as the occasion may be in order to take the proper procedures thereon.

Article 19: Malicious Complaints

In case it appears to the Directorate General of Complaints or the units and offices that the complaint filed is a malicious one, the Directorate General or the units or offices shall have the right to take the respective expedient legal proceedings in accordance with the provisions of the laws in force.

Chapter VI: Conclusive Provisions

Article 20 : The Annual Report

The Directorate General of Complaints shall adhere to submitting its annual report to the Secretary General as well as any other reports for presentation to the Council of Ministers.

Article 21: The Procedural Manual

The Directorate General of Complaints shall present the Procedural Manual and the forms relating to the complaints as well as circulate them to the units and offices following approval of the Secretary General.

Article 22: Legal Support

The Legal Affairs of the Council of Ministers shall provide legal support to the Directorate General of Complaints. Coordination shall be in place between them.

Article 23: Repealing

The Regulation on the Department of Complaints at the Prime Ministry and Units of Complaints at Ministries, promulgated on May 3rd, 2005, as well as any provision that contradicts the provisions of this Regulation, shall be repealed.

Article 24: Entry into Force and Implementation

All the competent authorities, each within the sphere of its jurisdiction, must implement the provisions of this Regulation, which shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.

Promulgated in the city of Ramallah on March 8th, 2009 *Anno Domini*, [Corresponding to] Rabee' al Awwal 11th, 1429 *Anno Hegira*.

Salam Fayyad

Prime Minister

Jordanian Legislation

Regulation No. 1 of 1966: Regulation on Administrative Formations

Promulgated in Accordance with Article 120 under the Constitution

Article 1: Name

This Regulation shall be entitled the *Regulation on Administrative Formations of 1965* and shall enter into force as of the date of its publication in the Official Gazette.

Article 2: Division of the Hashemite Kingdom of Jordan

The Hashemite Kingdom of Jordan shall be divided into governorates, districts, sub-districts and subdivisions in accordance with the *Regulation on Administrative Divisions No. 125 of 1965* and any amendments introduced thereto.

Article 3: Presidency of the Governorate, District, Sub-district and Subdivision

A Governor [*muhafiz*] shall head the Governorate [*muhafaza*]; an district administrator [*mutasarraf*] the district [*liwa*]; a director of sub-district the sub-district [*qada'*]; and a director of subdivision the subdivision [*nahiya*]. The cities, villages and neighbourhoods shall be administered in accordance with the laws and regulations in force in the Kingdom.

Article 4: The Governor and his Jurisdictions

- A. The Governorate shall be of a juridical (legal) character.
- B. The properties of the Governorate shall be of the properties of the State as well as of the gifts, wills, donations, loans and other funds which are collected from the citizens.

Article 5: Appointment of the Governor

The Governor shall be appointed by a decision from the Council of Ministers based upon a recommendation from the Minister of Interior and by the issuance of a High Royal Decree.

Article 6: Administration of the Governorate

- A. The administration apparatus at the Governorate Office shall consist of the Governor as the Head, a number of assistants and administrative employees, and an executive board.
- B. The Executive Board at the Governorate Office shall be composed of the Governor as the Head as well as of the membership of the Assistant to the Governor, Commander of the Area and chairpersons of departments at the Governorate with the exception of courts.

Article 7: Privileges Granted to the Governor

- A. The Governor shall be the representative of the Executive Authority and Head of the Public Administration or the most senior authority in his Governorate. He shall be superior to all the State employees in his Governorate.
- B. An increment of representation shall be allocated to the Governor. An (unfurnished) house for residence and a governmental car shall be secured to him at the expense of the State in accordance with instructions to be approved by the Council of Ministers based upon the recommendation of the Minister of Interior.
- C. An assistant or more shall be appointed to the Governor in the rank of an administrator

[*mutasarriif*] in order to perform the tasks, which the Governor entrusts to him.

- D. The Minister of Interior shall entrust a Governor to carry out the tasks of the Undersecretary of the Ministry of Interior. The increments provided for under Paragraph B above shall not be disbursed to him.

Article 8: Administering the Oath

Before the handing of the tasks of his function, the Governor shall make before His Majesty the King or the person whom he deputises and in the presence of the Minister of Interior the following oath: "I hereby swear by the Almighty God to be sincere to the King and the Nation and to respect the laws and regulations of the Country and to perform the duties of my function with trustworthiness and impartiality."

Article 9: Permission to Leave

The Governor shall ask permission from the Minister of Interior when he leaves the area of his work.

Article 10: Vacancy of the Governor's Position

In the event the Governor's position becomes vacant for any reason, the Minister of Interior shall assign his tasks by proxy and on a temporary basis to the administrative ruler with the highest grade in the Governorate or to the Commander of the Area. The Governor, in case he is absent from the office of his work, may delegate a member of the Executive Board or an administrative ruler in the Governorate after he obtains approval of the Minister of Interior.

Article 11: The Governor's Area of Jurisdiction

The Governor shall immediately adjudicate the petitions, which fall within his jurisdiction. He shall refer the petitions that do not fall under his jurisdiction to the competent authority, enclosed with his opinion.

Article 12: Jurisdictions of the Governor

The Governor shall be assigned to achieve the following matters:

- A. Apply the rules of public freedoms and safeguard them within limits of applicable laws and regulations.

- B. Preserve public morals, public security, public health and public tranquillity in the Governorate, maintain personal rights and safety, and realise justice within bounds of the independence of the Judiciary.
- C. Prepare causes that lead to the economic, urban and social development in the Governorate; disseminate knowledge as well as intellectual and ethical prosperity; accomplish tolerance and fraternity between all sons of the Homeland; combat illiteracy; and encourage sports.
- D. Invigorate functions of municipalities and village councils and manage them in a good manner.

Article 13: Dissemination of Laws and Regulations

The Governor shall disseminate all the laws, regulations, instructions and circulars issued forth by various Ministries to the departments present in his Governorate.

Article 14: Submitting Regular Reports and Holding Meetings

- A. The Governor must submit to the Minister of Interior regular reports at least each two months in regard of public circumstances in his Governorate, needs of the inhabitants, necessary reforms and significant incidents which take place in his Governorate. Copies of such report shall be sent to all Ministers in addition to the reports which are necessitated by special conditions.
- B. The Governor must hold a meeting at least once a month with the administrators of districts, administrative staff and directors of sub-districts in order to examine public affairs of the Governorate and take the appropriate procedures in regard of them.

Article 15: The Meeting of Governors

Governors shall meet under presidency of the Minister of Interior each three months based upon his call in order to review the status in their Governorates, examine respective issues, and elaborate on draft laws and regulations, which the Ministry of Interior deems fit for presentation. The Minister of Interior shall present the result of such meeting in a summary to the Council of Ministers.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Article 16: Proposals of the Governor

- A. The Governor shall be entitled to propose to transfer any employee in his Governorate in case he is convinced that his presence has no longer been consistent with the public interest. The transference shall take place upon a recommendation from the Executive Board and decision from the competent Minister. The Governor shall be entitled to propose to the competent authorities to take disciplinary measures against the employees of his Governorate, the matter of the punishment of whom is beyond the circle of his jurisdiction in accordance with personnel regulations.
- B. In the event the competent Ministries or departments do not adopt the opinion of the Governor or the Executive Board in the cases mentioned above, the Governor may raise the matter to the Council of Ministers through the Minister of Interior.

Article 17: The Governor's Scope of Work

- A. With the exception of courts, departments of the Governorate shall report directly to the Governor.
- B. Employees at the Governorate must comply with orders of the Governor, though they shall have the right to express their remarks thereon. In the case of the Governor's written insistence on the implementation of such orders, they shall have the right to raise the matter to their respective authority.
- C. The Governor shall have the right to supervise official departments and institutions with financial independence, which are present in his Governorate. The heads of these institutions must abide by the Governor's written requests, which are pertinent to public security.

Article 18: Responsibility of the Heads of Departments at Governorates

- A. All heads of departments at the Governorate Office and its annexes shall be answerable to the Governor in relation to their official working hours as well as the working hours of employees of their departments, with the exception of court judges.

- B. With the exception of court judges, heads of departments may not leave the Governorate Office except with the knowledge of the Governor.

Article 19: Commitment of the State Employees

All the State employees, who are delegated to the Governorate on an official mission, must contact the Governor in order to inform him about the mission, for which they have arrived. They must also provide him with a copy of their reports, which are related to his Governorate.

Article 20: Inspection

The Governor shall have the right to inspect all departments, prisons, official and semi-official public institutions in his Governorate.

Article 21: Function of the Judicial Police

The Governor shall perform the function of the Judicial Police in relation to the flagrant offence as is prescribed under the Law of Penal Procedure. He shall be entitled to notify the Attorney General of the non-flagrant offences which he views.

Article 22: Security Forces of the Governorate

- A. Security forces in the Governorate shall be placed under the immediate disposition of the Governor in terms of the performance of their functions. They shall be assigned to implement his orders in accordance with the provisions prescribed under relevant laws and regulations.
- B. The Public Security forces shall be distributed in the Governorate. Their stations shall be created and annulled in agreement with the Governor.

Article 23: Seeking Assistance from the Armed Forces

In case the Governor deems that the Public Security forces available in his Governorate are not enough to preserve public security and safety, he shall be entitled to request from the Minister of Interior to contact the Ministry of Defence in order to seek assistance of the armed forces.

Article 24: Resistance and Combating of Natural Disasters

The Governor shall take immediately all the measures expedient to resist and combat natural disasters, provided that he inform the competent authorities to complete the resistance and combating.

Article 25: Measures Taken in Case Usurpation of Rights *in rem* Occurs

- A. In the event a conspicuous usurpation affects any movable or immovable properties or rights *in rem*, the Governor shall be entitled to decide to reinstate the condition which had been in place prior to the usurpation. Upon the occurrence of an encroachment which may generate a dispute over yields or which is likely to violate public security, he shall be entitled to take the measures necessary to preserve them and to attempt to deliver rights to entitled persons. In the event such was excusable, he shall deposit them as a trust with a third person. Such shall not bear an influence on the verdict to be entered by the judicial authorities.
- B. The encroachment on the usufruct rights to established irrigation water, even if by treatment, shall be deemed to be tantamount to the conspicuous usurpation.
- C. The Administration must be consulted in order to remove the conspicuous usurpation or encroachment within one month from the date on which they occurred and within three months from the date on which they took place in reference of the absentee from the Kingdom. Otherwise, the dispute shall fall beyond the jurisdiction of the Administration.
- D. The administrative measure shall remain to be in effect until it is annulled or amended by a decision from the selfsame authority or until a definitive decision is issued forth by the judicial authorities, which adjudicate the conflict.

Article 26: Giving a Licence

The Governor may give a licence to withdraw water from rivers and streams following approval of relevant Ministries and departments on condition that it does not impinge on rights of other concerned persons.

Article 27: Making Administration Decisions

The Governor shall make administrative decisions in relation to local supplies and control of prices in agreement with the competent Minister.

Article 28: Local Public Services in the Governorate

The following matters shall be deemed to be local public services in the Governorate, which the Governor shall be entitled to supervise, observe and work towards materialising in participation and coordination with the competent authorities and bodies in accordance with the laws, regulations and instructions in force:

- A. Construct, pave and repair village roads which connect sub-districts, subdivisions [*nawahi* for *nahiya*] and towns to villages.
- B. Provide potable water in cities and villages in cooperation with municipal and village councils and competent authorities.
- C. Regulate public facilities in cities and villages, such as pastureland, water sources, threshing floors, public squares and cemeteries, as well as designate the land necessary thereto and set forth the rules that safeguard the good usufruct thereof.
- D. Promote public education, combat illiteracy and establish public libraries.
- E. Dry swamps, expand free health services, establish clinics, infirmaries, orphanages and [shelters for] homeless juveniles as well as other institutions of social affairs.
- F. Organise construction in cities and villages, disseminate electricity, and secure postal services therein.
- G. Establish public markets, conduct competitions to promote industrial and agricultural production, and organise exhibitions of local industries and agricultural products.
- H. Regulate the civil defence affairs and take the measures which he deems to be fit to secure it.
- I. Sponsor charitable, sports and scouts activities.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

- J. Regulate the investment of fishing and hunting in conformity with the domestic interest and conditions.
- K. Activate the establishment of forests and forestation as well as regulate inhabitants' usufruct of forests.
- L. Take the measures necessary to resist and combat natural disasters, such as floods, fire, epidemics, pandemics and famine, provided that he informs the competent Ministry in order to complete the resistance and combating with their technical methods.
- M. Protect archaeological artefacts, take care of fine arts, and oversee cinema houses, entertainment facilities and public places.
- N. And in general all the affairs which are assigned to administrative rulers in accordance with any law or regulation in force as well as any other matters which the Council of Ministers deems as public services.

Article 29: Authorisation

The Governor shall be authorised with some of the powers assigned by the laws and regulations to Ministers in accordance with the provisions of Article 4 under the *Law on Public Administration No. 10 of 1965*.

Article 30: Preparing the Draft Budget of the Governorate

The Executive Board at the Governorate shall prepare the draft budget of the Governorate. The Governor shall ensure that it is dispatched to the Ministry of Interior at least two months before the date on which the Public Budget would be examined in order to scrutinise it with Ministries and relevant departments and integrate it with the Public Budget of the State after it is approved.

Article 31: Transference of Accreditations Allocated to the Governorate

Following endorsement of the budget, the accreditations allocated to the Governorate shall be transferred to the Governor in order to implement them in accordance with the Decisions of the Executive Board.

Article 32: Line Items of the Budget Projects and their Implementation

The State departments at Governorates shall implement the budget projects and line items under supervision of the Governor.

Article 33: The Disbursement Officer

The Governor shall be the officer of disbursement of the expenditures designated to the Governorate.

Article 34: Observation of Some Provisions Relating to the Budget

The following provisions shall be observed upon implementation of the line items of revenues and expenditures in the Budget:

- A. Provisions of the Law on the Accounting Bureau.
- B. The financial apparatus shall carry out activities of receipt and disbursement for the account of the Governorate in accordance with the financial regulations.
- C. The payment officer shall be the representative of the Ministry of Finance in the Office of the Governorate, district or sub-district.

Article 35: The Executive Board and its Jurisdiction

An Executive Board shall be constituted in each Governorate and district in pursuance of the provisions of Article 6/B under this Regulation.

Article 36: Convention of the Executive Board

The Executive Board shall convene under presidency of the Governor or administrator based upon their call in the place and at the time allotted in the invitation with the presence of the majority of members.

Article 37: Deliberation on the Governorate Affairs

The Governor or administrator shall deliberate with the aforesaid Board on all the affairs pertinent to the Governorate or district, particularly the matters provided for under Article 12, Article 28 and Article 56 of this Regulation as well as the matters presented by any members. He shall take the expedient decisions thereon.

Article 38: Implementing Decisions

The Governor must supervise implementation of the decisions of the Executive Board in line with the priority he estimates and the available capacities.

Article 39: The Advisory Board and its Jurisdiction

A. A local advisory board, the number of members on which does not exceed fifteen, shall be constituted in each Governorate upon a recommendation from the Governor and approval of the Minister of Interior. Whenever possible, the following bodies shall be heeded in its representation and the duration of members thereon shall be three years:

1. Members of the House of Representatives and House of Notables in the Governorate.
2. Municipal and village councils.
3. Chambers of Commerce and Industry and banks.
4. Associations and clubs.
5. Farmers and cooperative societies.
6. Representatives of physicians, engineers, lawyers and workers.

B. The member on the Advisory Board shall be required to:

1. Have completed thirty years of age.
2. Be Jordanian since at least five years.
3. Enjoy his civil and political rights.
4. Be a resident of the Governorate, district or sub-district.
5. Master reading and writing.
6. Not be convicted of a disgraceful crime or misdemeanour.

Article 40: Convention of the Board

The Board shall convene under presidency of the Governor based upon his call at least once each two months in the place designated in the invitation with the presence of the majority of

members. The Governor may call any Government employee in the Governorate, district or sub-district to attend the Board meeting and take part in its deliberations, provided that he shall not have the right to vote.

Article 41: Disbursement of Remunerations

Remunerations may be disbursed to the members for attending the sessions in the amount which the Council of Ministers decides based upon the recommendation of the Minister of Interior.

Article 42: Submitting Resignation

Resignation of the member shall be submitted to the Governor and shall be registered immediately. It shall be deemed to be final in the event it was not withdrawn within fifteen days from the date on which it had been registered.

Article 43: Prosecution of the Member before the Judiciary

Each member, who is prosecuted before the Judiciary of a crime or a disgrace, shall be deemed to be suspended until a verdict on his innocence is entered.

Article 44: Failure to Attend Meetings

Each member called to the meeting but fails to attend three consecutive sessions without a lawful excuse shall be deemed to be resigned. The Governor shall declare the decision on the annulment of his membership. Such decision shall be subject to challenge before the Executive Board of the Governorate within fifteen days from the date on which it was served. The Board's decision thereon shall be definitive.

Article 45: Vacancy of a Seat

In the event the seat of a member becomes vacant for any reason, his successor shall be appointed by a recommendation from the Governor and approval of the Minister of Interior.

Article 46: Deliberation on the Governorate Affairs

The Governor shall deliberate with the aforementioned Board on all the affairs relating to the Governorate and shall take the expedient recommendations thereon.

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

Article 47: Viewing the Draft Budget

The Board may view the draft budget of the Governorate, which is prescribed under Article 30 above, before it is approved by the Executive Board and shall express its opinion thereon in an advisory manner.

Article 48: Decision Making

Decisions of the Board shall be made with a majority vote of the present members. The Head of Board shall have a preponderant vote when the votes are equal. The Board's decisions shall be deemed to be recommendations for the competent authorities and the Governor shall be responsible for serving them to those authorities.

Article 49: Implementing the Board's Recommendations

Official bodies shall implement the Advisory Boards' recommendations and work accordingly. If excusable, they shall report to the Board through the Governor the causes that have prevented the implementation of such recommendations.

Article 50: Recording of the Decisions

The Board's decisions shall be recorded one by one on a register to be signed by the Head or members and those present. Then, they shall be referred to the Governorate Bureau for execution.

Article 51: The District Administrator and his Jurisdiction

- A. The apparatus of the district [*mutasarrifiya*] shall consist of the district administrator, necessary number of administrative employees, and an executive board.
- B. The Executive Board shall comprise the District Administrator as the Head and membership of the Assistant to the District Administrator, Commander of the Area and heads of other departments, with the exception of courts.

Article 52: Tasks of the District Administrator

The District Administrator shall be the representative of the Executive Authority, Head of Public Administration and the most senior employee in his district. He shall be superior to all employees of the district of whatever ranks and

[regardless of the] corps to which they belong and shall be responsible for public administration therein. He shall supervise the enforcement of laws and regulations, perform all functions delegated to him by the laws and regulations, preserve rights of the State and citizens, and implement all instructions of the Governor. He shall be bound to report to the Governor in significant matters of the district, especially with respect to those pertaining to security and order. Employees of all departments must submit to the District Administrator all useful information as well as everything that may facilitate his mission.

Article 53: Leave

The District Administrator shall ask permission from the Governor when he leaves the office of his work.

Article 54: Privileges Granted to the District Administrator

An increment of representation shall be allocated to the District Administrator. A governmental car shall also be secured to him at the expense of the State in accordance with instructions to be approved by the Council of Ministers based upon the recommendation of the Minister of Interior.

Article 55: Vacancy of the District Administrator's Position

In the event the District Administrator's position becomes vacant for any reason, the Minister of Interior shall assign his tasks by proxy and on a temporary basis to the administrative ruler with the highest grade in the district or to the Commander of the Area. The Governor, in case the District Administrator is absent from the district office for a period that does not exceed one month, may delegate an administrative ruler in the Governorate or the Commander of the Area to carry out his function upon approval of the Minister of Interior.

Article 56: Tasks of the District Administrator

The District Administrator shall be assigned to achieve the following matters:

- A. Apply the rules of public freedoms and safeguard them within the limits of applicable laws and regulations.

- B. Preserve public morals, public security, public health and public tranquillity in the district, maintain personal rights and safety, and realise justice within bounds of the independence of the Judiciary.
- C. Prepare conditions that lead to the economic, urban and social development in the district; disseminate science and knowledge as well as intellectual and moral prosperity; accomplish tolerance and fraternity between all sons of the Homeland; combat illiteracy; and encourage sports.
- D. Invigorate municipalities and village councils and manage them in a good manner.

Article 57: Disseminating Laws and Regulations

The District Administrator shall disseminate all the laws, regulations, instructions and circulars issued forth by Ministries or the Governor to the various departments present in his district.

Article 58: Submitting Reports

The District Administrator must submit to the Governor regular reports that are reasoned and supported with his opinion at least each two months in regard of the public circumstances in his district as well as needs and desires of the inhabitants, reforms and respective methods of realisation, status of prisons in his district, and significant incidents which take place in his district, in addition to the reports which are necessitated by special circumstances.

Article 59: The District Administrator's Scope of Work

- A. With the exception of courts, departments of the district shall report directly to the District Administrator.
- B. The district employees must abide by orders of the District Administrator. However, they shall have the right to express their remarks thereon in case they believe that they involve a contravention of the provisions of the Law or Regulation.
- C. The District Administrator shall be entitled to propose to the Governor to transfer any functionary from his district in case he is convinced that his presence has no longer

been congruent to the public interest. The District Official shall be entitled to propose to the Governor to impose the penalties he deems fit on his district employees. The competent authorities must take such proposal into consideration if it is supported by the Governor.

Article 60: Responsibility of the Heads of Departments

All heads of departments at the district office and its annexes shall be answerable to the District Administrator in relation to their official working hours as well as the working hours of their departments, with the exception of court judges. The District Administrator must recommend imposing expedient penalties on employees through the Governor. Heads of departments may not leave the district office except with the knowledge of the District Administrator.

Article 61: Commitments of the State Employees

All the State employees, including inspectors, who arrive to the district on an official mission, must contact the District Administrator in order to inform him about the mission, for which they have arrived. They must also provide him with a copy of their reports in case the matter is related to the district.

Article 62: Inspection

The District Administrator shall have the right to inspect all departments, prisons, official and semi-official public institutions in the district, with the exception of courts.

Article 63: Function of the Judicial Police

The District Administrator shall perform the function of the Judicial Police in relation to the flagrant offence as is prescribed under the Law of Penal Procedure. He shall be entitled to order to conduct investigation into the non-flagrant offence when necessary.

Article 64: Subordination of the Security Forces

Public Security forces in the district shall be placed under the immediate disposition of the District Administrator in terms of the performance of their functions. They shall be assigned to implement

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

his orders in accordance with the provisions prescribed under applicable laws and regulations.

Article 65: Taking Preliminary Measures to Preserve the Order

In cases provided for under Article 23 of this Regulation, the District Administrator shall be entitled to take preliminary measures to preserve the order. He shall present his proposals to the Governor so that he takes the appropriate measures.

Article 66: Resistance and Combating of Natural Disasters

The District Administrator must take immediately all the measures expedient to resist and combat natural disasters, such as floods, fire, epidemics and pandemics, provided that he inform the competent Ministry in order to complete the resistance and combating with its technical methods.

Article 67: Measures Taken in Case Usurpation of Rights *in rem* Occurs

- A. In the event a conspicuous usurpation affects any movable or immovable properties or rights *in rem*, the District Administrator shall be entitled to decide to reinstate the condition which had been in place prior to the usurpation. Upon the occurrence of an encroachment which may generate a dispute over yields or which is likely to violate public security, he shall be entitled to take the measures necessary to preserve them and to attempt to deliver rights to entitled persons. In the event this was excusable, he shall deposit them as a trust with a third person. In both cases, such shall not bear an influence on the verdict to be entered by the judicial authorities.
- B. The encroachment on the usufruct rights to established irrigation water, even if by treatment, shall be deemed to be tantamount to the conspicuous usurpation.
- C. The Administration must be consulted in order to remove the usurpation or encroachment within one month from the date on which they occurred and within three months from the date on which they took place in reference of the absentee

from the Jordanian territory. Otherwise, the dispute shall fall beyond the jurisdiction of the Administration.

- D. The administrative measure shall remain to be in effect until it is annulled or amended by a decision from the selfsame authority or until a definitive decision is issued forth by the judicial authorities, which adjudicate the sources of the conflict.
- E. The aggrieved party shall have the right to challenge the administrative measure before the Governor.

Article 68: Giving Licences

The District Administrator may give a licence to withdraw water from rivers and streams following approval of the relevant Ministries and departments on condition that it does not impinge on rights of other concerned persons.

Article 69: Making Administration Decisions

The District Administrator shall make administrative decisions in relation to local supplies and control of prices in agreement with the competent Minister.

Article 70: Local Services

The following matters shall be deemed to be local public services in the district, which the District Administrator shall be entitled to supervise, observe and work towards materialising in participation and coordination with the competent authorities and bodies in accordance with the laws, regulations and instructions in force:

- A. Construct, pave and repair village roads which connect sub-districts, subdivisions and towns to villages.
- B. Provide potable water in cities and villages in cooperation with municipal and village councils and competent authorities.
- C. Regulate public facilities in cities and villages, such as pastureland, water sources, threshing floors, public squares and cemeteries, as well as designate the land necessary thereto and set forth the rules that safeguard the good usufruct thereof.

- D. Promote public education, combat illiteracy and establish public libraries.
- E. Dry swamps, expand free health services, establish clinics, infirmaries, orphanages and [shelters for] homeless juveniles as well as other institutions of social affairs.
- F. Organise construction in cities and villages, disseminate electricity, and secure postal services therein.
- G. Establish public markets, conduct competitions to promote industrial and agricultural production, and organise exhibitions of local industries and agricultural products.
- H. Regulate the civil defence affairs and take the measures which he deems to be fit to secure it.
- I. Sponsor charitable, sports and scouts activities.
- J. Regulate the investment of fishing and hunting in conformity with the domestic interest and conditions.
- K. Activate the establishment of forests and forestation as well as regulate inhabitants' usufruct of forests.
- L. Take the measures necessary to resist and combat natural disasters, such as floods, fire, epidemics, pandemics and famine, provided that he informs the competent Ministry in order to complete the resistance and combating with their technical methods.
- M. Protect archaeological artefacts, take care of fine arts, and oversee cinema houses, entertainment facilities and public places.
- N. And in general all the affairs which are assigned to administrative rulers in accordance with any law or regulation in force as well as any other matters which the Council of Ministers deems as public services.

Article 71: Director of the Sub-district and his Jurisdiction

The Sub-district Director shall be the representative of the Executive Authority and the most senior employee in the sub-district.

He shall be superior to all employees of the sub-district of whatever ranks and [and irrespective of the] corps to which they belong and shall be responsible for public administration in his sub-district. He shall supervise the enforcement of laws and regulations, perform all functions which these delegate to him, preserve rights of the State and citizens, and implement all instructions of the Governor and District Administrator. He shall be bound to report to the Governor and District Administrator in significant matters of the sub-district, especially with respect to those pertaining to security and order. Functionaries of all departments must submit to the Sub-district Director all useful information as well as everything that may facilitate his mission.

Article 72: Vacancy of the Sub-district Director's Position

In the event the position of the Sub-district Director becomes vacant or he is absent on a leave, the Governor shall delegate a person to substitute him following approval of the Minister of Interior.

Article 73: Permission to Leave

The Sub-district Director may not leave the area of his work except after asking permission from the Governor or District Administrator in line with his engagement.

Article 74: Subordination of Departments

- A. All departments in the sub-district shall be subject to the Sub-district Director's supervision and inspection. Excluded from this shall the courts, which will not be subject to his inspection. Heads and personnel of departments may not leave their offices except with the knowledge of the Sub-district Director.
- B. With the exception of court judges, all employees in the sub-district of various ranks shall be answerable to the Sub-district Director in regard of their official working hours. He shall be entitled to propose to the Governor or District Administrator to penalise them.

Article 75: Inspection Tours

The Sub-district Director shall conduct each two months an inspection tour in the areas of his

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

sub-district, provided that the duration of each tour does not exceed one week. Its duration and date of implementation shall be defined in agreement with the Governor or District Administrator with the exclusion of the tours necessitated by emergency conditions. He shall submit to the Governor or District Administrator a detailed report on the outcomes of each tour, to be enclosed with his opinion.

Article 76: Call to the Meeting

The Sub-district Director shall call the Subdivision Directors subordinate to him as well as heads of municipal and village councils to a meeting to be held under his presidency once each two months and when needed to discuss with them the affairs of their subdivisions as well as to listen to their opinions in regard of expedient reforms.

Article 77: Dismissal of Employees

The Sub-district Director shall be entitled to propose to penalise all employees of the sub-district who are omissive in the affairs of their functions, with the exception of judges.

Article 78: Function of the Judicial Police

The Sub-district Director shall be responsible for the public order in the area and shall exercise his function pertaining to Judicial Policing in relation to the flagrant offences in accordance with the provisions of the Law of Penal Procedure. He shall order to conduct investigation in non-flagrant offences when necessary.

Article 79: Association of the Public Security Forces with the Sub-district Director

Public Security forces in the sub-district shall be associated with the Sub-district Director and shall be assigned to implement his orders in pursuance of the provisions prescribed under applicable laws and regulations.

Article 80: Oversight and Inspection

The Sub-district Director shall be entitled to oversee enforcement of the provisions of the Law on Prisons as well as the regulations issued forth in accordance with it and to inspect them himself and to request from his respective authority to implement necessary reforms thereto.

Article 81: Taking Preliminary Measures to Preserve the Order

In the cases provided for under Article 23 of this Regulation, the Sub-district Director shall be entitled to take preliminary measures to preserve the order. He shall present his proposals to the Governor or District Administrator so that he takes the appropriate decision.

Article 82: Responsibility of the Sub-district Director

The Sub-district Director must support controllers of taxes and fees and to follow up on the collection of taxes. He shall also be responsible for expedited tasks of collection.

Article 83: Exercise of Jurisdictions

The Sub-district Director shall exercise his jurisdictions in relation to the administration of villages and municipalities in accordance with the provisions of the Law on the Administration of Villages, Law on Mayors in Cities and Law on Municipalities and, generally, the various functions and tasks assigned to him as per effective laws and regulations.

Article 84: Monitoring

Inspectors and employees of departments, who arrive to the sub-district on official missions, must contact the Sub-district Director before they commence work as well as inform him about their mission.

Article 85: Director of the Subdivision and his Jurisdiction

The subdivision shall be an administrative unit, which is subordinate to the Governorate, district or sub-district.

Article 86: Representative of the Executive Authority

A. The Subdivision Director shall be the representative of the Executive Authority, Head of Public Administration and the most senior employee in his subdivision. He must secure the dissemination of laws and regulations therein and exercise the jurisdictions and authorities authorised to him by operative laws and regulations. Any State employee, who travels on a mission or

inspection to a subdivision, must contact its Director.

- B. The Subdivision Director must report, to the administrative authority to which he is immediately associated, in regard of the affairs of the subdivision and shall implement the orders which he receives from it.

Article 87: Leaving Work with a Permission

Subdivision Directors may not leave the areas of their work except after asking permission from the administrative authority, which they are immediately associated. The subdivision employees may not leave their offices except with the knowledge of the Director.

Article 88: Implementation of Orders

With the exception of judges, the subdivision employees must implement the orders issued forth by the Director in relation to the securing of public health in accordance with the applicable laws and regulations. He shall have the right to control the official working hours of the subdivision employees and propose penalties against those who violate his authority.

Article 89: Hearing Complaints

The Subdivision Director shall hear the inhabitant's requests and complaints and shall implement the required action in their regard.

Article 90: Function of the Judicial Police

The Subdivision Director shall perform the function of Judicial Policing in relation to flagrant offences in accordance with the Law of Penal Procedure. He shall order to conduct investigations into non-flagrant offences when necessary.

Article 91: Responsibility for Preserving Order and Security

The Subdivision Director shall be responsible for keeping order, security and public health in the subdivision. Public Security forces, which are present in his subdivision, shall be under his disposal. They shall be assigned to implement the administrative order which he addresses to them subject to penalties provided for under effective laws.

Article 92: Control and Inspection

The Subdivision Director shall control the villages located in the subdivision as well as inspect them in accordance with the provisions of the Law.

Article 93: Oversight and Investigation

The Director shall oversee mayors of villages, investigate owned land as well as all other land of the State and public properties, and send to the competent administrative authority all the information dispatched to him. He shall also assist financial officers in collecting taxes.

Article 94: Call to the Meeting

The Director shall call once a month the mayors of villages to a meeting, which he holds under his presidency, to examine issues pertaining to the subdivision, particularly those relating to the development of villages in health and social aspects. He shall himself send reports on such [meeting], enclosed with his proposals. At least once every six month, the Director must call to this meeting the physician, head of the Police station, agriculture officer, headmaster and teachers of the school in the subdivision. These must not fail to attend these meetings.

Article 95: Inspection Tours

The Director must conduct inspection tours in his subdivision in order to supervise its affairs. He shall submit to the authorities to which he is subordinate a report on the outcome of his tours, along with a statement of his opinion.

Article 96: Promulgation of Secondary Legislation

The Minister of Interior may issue forth instructions from time to time for enforcement of the provisions of this Regulation.

Article 97: Repealing

Each provision under any previous Regulation shall be repealed to the extent with which it contradicts the provisions of this Regulation.

Article 98: Enforcement

The Prime Minister and the Ministers shall be assigned to enforce the provisions of this Regulation

Establishing Effective Local Complaints Mechanisms for Palestinian Citizens

December 20th, 1965

Al Hussein Bin Talal

Minister of Finance
'Izz ad Din al Mufti

Minister of Transport, Port, Aviation, Railways
Sam'an Dawoud

Minister of Exterior
Hazem Nusseibah

Prime Minister and Minister of Defence
Wasfi at Tal

Minister of Construction and Restoration
Seif ad Din al Kilani

Minister of Transport, Telegraph and Post
Fadhli ad Dalqamouni

Minister of Interior for Municipal and Village
Affairs
Qasem ar Rimawi

Minister of Interior and Minister of State for the
Affairs of the Council of Ministers
Abdul Wahhab al Majali

Minister of National Economy
Hatem az Zu'bi

Minister of Public Works
Yihya al Khatib

Minister of Education
Thoqan al Hindawi

Minister of Health
Ahmed Abu Qourah

Minister of Social Affairs and Labour
Nisfat Kamal

Minister of Agriculture
Isma'il Hijazi

Minister of Information
Abdul Hamid Sharaf

Minister of State
Sa'd ad Dajani

Minister of Justice
Jiryas Haddadin