I. Introduction: The Struggle against Corruption between Public Law and Criminal Law

Government corruption is a serious public malady both in terms of public ethics and of utility. As a result it also diminishes the readiness of the public to trust the government. Corruption, of course, has various expressions ranging from cases of discrimination in favor of relatives, through giving benefits to cronies at the expense of the public, and all the way to public law, however, serious offenses such as bribery.

Traditionally, criminal law was considered the main tool for fighting corruption through the enforcement of offenses relating to the public service¹ is also very relevant for this endeavor. Since public law defines the rules applicable to the activities of public authorities, it must include rules that would advance the public interest and preserve public faith in the government. Anti-corruption norms and mechanisms are necessarily among these rules.

In fact, public law does include norms that prohibit corruption or at least make it difficult to engage in administrative activities motivated by corrupt considerations. Some of these norms were designed specifically to prevent corruption or cope with it whereas several others also have additional purposes, but still contribute to the struggle to eliminate public corruption.

An analysis of the doctrines of public law which function as barriers against corruption is especially important due to the shortcomings of the emphasis on the enforcement of criminal law in this context. A criminal indictment is

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* Stewart and Judy Colton Professor of Law, Chair of Law and Security, Faculty of Law, Tel-Aviv University. I thank Elisheva Avitzur for her assistance.

¹ In Israeli law, the two most prominent offenses in this context are the offenses of bribery (section 290 of Criminal Law, 1977, S.H. 226) and the fraud and breach of trust (section 284 of the same law) which is wider and also applies to situations in which the public official acts to advance his own or his relatives’ interest. See FH 1397/03, The State of Israel v. Sheves, 59(4) PD 385.
appropriate only in relatively serious cases and is usually not the right way to approach “petty” or “borderline” corruption. In fact, it may actually be difficult to apply criminal law also in grave cases of corruption. Criminal offenses are usually defined as including a \textit{mens rea} element (which would necessitate, in the context of corruption, to prove that public service norms were infringed with intent, or at least knowingly). In addition, the use of criminal law is appropriate only in cases where there is strong evidence, which may serve as a sufficient basis for a criminal conviction, at least \textit{prima facie}, and conviction is possible only when guilt is proven beyond reasonable doubt. Criminal proceedings are also relatively long and tend to end years after the event to which the indictment relates. Pointing at these deficiencies of criminal proceedings initiated in cases of public corruption is not meant to lessen the importance of criminal enforcement in this area. It is rather aimed at emphasizing that criminal enforcement cannot stand alone but rather has to be supplemented by the use of mechanisms of administrative law. These mechanisms are probably even more important in terms of systemic impact.

It is worthwhile to add that occasionally there is some overlap between public law and criminal law, such as with regard to the judicial precedents which preclude people from serving as public officials and even as government ministers when their activities in such positions are under serious investigation.

\begin{itemize}
  \item In fact, it has been difficult to convince the court that some infringements were indeed committed with the necessary level of awareness. See CrA 4336/96, The State of Israel v. Dinitz, 51(5) PD 97. For criticism, see Mordechai Kremnitzer & Shlomit Manheim-Walerstein, “‘Thou Shalt Not Justify the Poor, Nor the Respected’: On the Dinitz Case,” 33 \textit{Mishpatim} 30 (2003) [in Hebrew].
  \item The importance of administrative law in the struggle against corruption has also been recognized by the United Nations Convention against Corruption. Chapter 2 of this convention specifies measures to be taken to prevent corruption. Article 5(3) discusses the general need for taking administrative measures to fight corruption; Article 6 discusses the need for “the existence of a body or bodies…that prevent corruption …” Examples of more specific provisions are Article 7(2) which deals with the need for taking administrative measures “to prescribe criteria concerning candidature for the election to public office,” and Article 7(3) which deals with the need for taking administrative measures “to enhance transparency in the funding of candidatures for elected public office.”
  \item See HCJ 6163/92, Eisenberg v. The Minister of Construction and Housing, 47(2) PD 229; HCJ 3094/93, The Movement for Government Quality v. The Government of Israel, 47(5) PD 404; HCJ 4267/93, Amitai—Citizens for Proper Administration v. The Prime Minister of Israel, 47(5) PD 441.
\end{itemize}
Since this analysis focuses on the elimination of corruption in the public service it will not discuss in any detail norms aimed at preventing corruption in the political scene. It is important, however, to point that Israeli law includes norms applicable to the elimination of corruption in the political arena as well.5

II. Rules on Conflict of Interests

The prohibition on conflict of interests is a fundamental principle of Israeli administrative law.6 Basically, this prohibition holds that a public official may not serve in an office if there are reasonable grounds to suspect that he may be influenced by interests contradicting those he is supposed to promote in his office. This principle has wide applications. The prohibition applies not only to situations in which the public official might be influenced by personal interests (his own or those of relatives or friends). It also applies in situations in which the official serves in another public position, for the advancement of which he may need to support conflicting considerations.7 Yet, there is no doubt that the “hard core” application of the prohibition on conflict of interests is where personal interests exist. Decision-making regarding a matter in which the official has personal interests is a clear example of a potential for corruption, and in this sense the prohibition on conflict of interests is a prime example for an important principle of administrative law which becomes instrumental in the struggle against corruption.

5 These norms include prohibitions on bribing voters (section 122 of the Elections to the Knesset [Consolidated Version] Law, 1969, S.H. 103), limitations on election contributions (section 8 of the Parties Financing Law, 1973, S.H. 52 [hereinafter Parties Financing Law]) and prohibitions on political agreements which base political support on pecuniary interests (see HCJ 1523/90, Levi v. The Prime Minister of Israel, 44(2) PD 213; HCJ 1635/90, Zerzevsky v. The Prime Minister, 45(1) PD 749 and section 1 of the Government Law, 2001).


7 See HCJ 244/86, Ravivo v. The Mayor of Ofakim, 42(3) P.D. 183; HCJ 529/89, Riani v. The Mayor of Yahud, 43(3) PD 389; HCJ 595/89, Shimon v. The Commissioner of the South District in the Ministry of Interior, 44(1) PD 409.
It is important to emphasize that the prohibition on conflict of interests is of a preventive nature. It applies not only to actual decision-making motivated by conflict of interests. It also applies to scenarios in which there is a potential for conflict of interests, when an official holds a position in which he may be confronted by conflict of interests. At the same time, the Israeli Supreme Court was open to accept solutions based on isolating the official from taking part in decisions in which he may be affected by conflict of interests, at the same time, the Israeli Supreme Court was open to accept solutions based on isolating the official from taking part in decisions in which he may be affected by conflict of interests, without completely disqualifying him, as long as such an isolation is possible. This from of isolation is possible only when the area influenced by conflict of interests is not a major part of the subject matter for which the official is responsible. In other circumstances, there is no choice but to prohibit the public official from holding the office altogether.\footnote{This was the case in the Ravivo case and the Riani case (supra note 7).}

The prohibition on conflict of interests is one of the main reasons for the more specific prohibition on the delegation of statutory powers to private actors.\footnote{HCJ 39/82, Henefling v. The Mayor of Ashdod, 36(2) PD 537; HCJ 4884/00, “Let the Animals Live” Association v. The Manager of Veterinary Services in the Field in the Ministry of Agriculture, 58(5) PD 202.} This prohibition, which is especially important in the context of privatization, derives, among other things, from the concern that a private actor will be influenced by the desire to promote his own private interests at the expense of the public. In other words, delegation of powers to an individual who has personal interests in the subject matter is a clear example of corruption, and therefore administrative law usually prohibits delegations of administrative discretion to private actors.\footnote{Without derogating from the possibility that a public official may have private interests as well.}

There are also several laws which express and apply the prohibition on conflict of interests in concrete contexts. First, the Public Service (Gifts) Law, 1979\footnote{Public Service (Gifts) Law, 1980, S.H. 2 [hereinafter Public Gifts Law].} has established a legislative scheme designed to stop the practice of giving gifts to public officials. Needless to say that when an official handles a matter relating to a person who gave him a gift, a built-in situation of conflict of interests is constituted, if not a potential bribery offense. The law provides
that if the public official did not refuse the gift, it becomes the property of the state, subject to the possibility that the public official may request permission to buy the gift from his own resources.\textsuperscript{12} Such permission will not be granted when the purchase may threaten the integrity of the public service.\textsuperscript{13} Second, the Public Service (Restrictions after Retirement) Law, 1969,\textsuperscript{14} places several limitations on the activities of retired public officials in matters for which they were responsible while they were still in the public service (limitations known as the “chilling rules”). According to Section 2 of this law, “a person who, in carrying out a function in the public service, dealt with a particular matter of a particular person shall not, after retiring from the service, represent that person in that matter vis-à-vis the public service institution in which he served.” In addition, Section 3 prohibits the retired employee from appearing and representing before a public official, who was his subordinate for a period of at least one year. Section 4 establishes another prohibition, against receiving a privilege from a person whose matter was subject to the official’s decision in the past, unless a year has passed since he retired, two years have passed since the decision, or a special permit was given.

**III. Rules on Irrelevant Considerations and Politically Motivated Appointments**

The prohibition on recourse to irrelevant considerations is another basic rule of administrative law. Considerations are deemed irrelevant when they are alien to the purposes of the law which served the basis for the administrative decision. An action based on irrelevant considerations is not necessarily corrupt. For example, an official with a religious personal view may wish to exercise his authority in accordance with his private convictions. Exercising religious considerations in the use of administrative powers is usually prohibited as irrelevant for the purposes of the statutory scheme.\textsuperscript{15} An action motivated by religious considerations is, however, not corrupt. In contrast, some other irrelevant considerations, such as decision-making for the promotion of personal interests are corrupt.

\textsuperscript{12} Id. at Section 2(a) .
\textsuperscript{13} Id. at Section 2(a1).
\textsuperscript{14} Public Service (Restrictions after Retirement) Law, 1969, S.H. 144.
\textsuperscript{15} See HCJ 98/54, Lazarovitz v. The Food Commissioner, 10 PD 40.
The prohibition on irrelevant considerations complements the prohibition on conflict of interests already discussed. The prohibition on conflict of interests is a broad preventive rule meant to preclude a person from holding an office when he is likely to be influenced by irrelevant interests, including personal considerations. In contrast, the prohibition on applying irrelevant considerations is a concrete rule meant to invalidate a specific decision, and in this context, corrupt personal interests are clearly irrelevant considerations.

A concrete application of the prohibition on irrelevant considerations in the context of the struggle against corruption is the doctrine prohibiting politically motivated appointments. According to precedents set by the Israeli Supreme Court, a decision to appoint a person to a public office because of his political connection to the appointing official is usually prohibited (except in limited contexts involving positions defined as political or as necessitating personal trust), since political considerations are regarded as irrelevant for the purposes of the public service. This doctrine has crystallized since the late 1980s. It also conforms to the principles of the State Service (Appointments) Law, 1959 which states that, in general, appointments of state employees should be conducted on the basis of an open tender (with some exceptions).

Although the rules on this matter are clear, their enforcement and application did not fare well enough. Usually, political appointments are made in a sophisticated manner, with an attempt to blur the political motives supporting them. The Israeli Supreme Court is, however, reluctant to invalidate appointments without strong evidence regarding political motives. For this reason, the practical contribution of the case law in this area was limited. A more sophisticated mechanism for dealing with political appointments is provided by the Government Companies Law, 1975 which deals with appointments of

16 In contrast, political considerations are relevant in the context of appointing ministers at the government level and also in limited areas of positions defined as “confidence positions”. See The Movement for Quality Government v. The Government of Israel, supra note 4, at 420; Amitai v. The Prime Minister, supra note 4, at 463.
17 See HCJ 4566/90 Dekel v. The Minister of Finance, 54(1) PD 28.
18 Section 19 of the State Service (Appointments) Law, 1959, S.H. 86.
directors and managers in government companies and statutory corporations. According to this law, a special committee monitors these appointments, and a decision to appoint a person who is politically connected to a minister requires the proof of “special skills.” The committee has the advantage of reviewing the candidates’ past activities, which shed light on both their skills and political affiliations.

IV. Equality, Criteria, and Tenders

The principle of equality also has several applications relevant to this analysis. Since discrimination might derive from corrupt favoritism, the principle of equality is necessarily relevant for the struggle against corruption. The obvious advantage of using the principle of equality for reviewing corrupt administrative decisions (in comparison to the prohibition on irrelevant considerations) is that it does not necessitate proving the illegal motives of the official responsible for the discriminatory decision. It is enough to point at the decision’s discriminatory results. In many cases it is hard to prove that the decision derived from the wish to favor cronies or to promote personal interests. Nevertheless, it is possible to show that the discriminatory decision (for example, funding) led to an unequal result in order to dismiss it.

Since the 1980s the Israeli Supreme Court has shaped concrete rules with regard to the application of the principle of equality in the appropriation of governmental funds in ways that contributed to promoting the struggle against corruption. According to the case law, such appropriations have to be based on criteria (which obviously have to be equal, and also have to be made public). When the appropriation of public benefits is performed in accordance with clear set criteria, it becomes substantially more difficult to discriminate in favor of relatives and affiliates. By adopting this doctrine, the Israeli Supreme Court took a clear stand against the practice known as “exclusive funding,” that is of giving unique benefits to those with connections with government officials. The case

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21 Sections 18B-18C of the Government Companies Law, supra note 20. The committee is usually known in the public by the name of the retired judge who heads it, and was therefore lately known as the “Ravivi Committee.”

law in this matter served as a source of inspiration for the enactment of Section 3A of the Foundations of Budget Law, 1985\textsuperscript{23} which states that the appropriation of funds to public institutions should be performed in accordance with equal and public criteria. Still, as in the context of the case law on political appointments, there is a gap between this important ruling and its enforcement and impact. It is not always possible to find suitable parties to bring petitions against such appropriations and it is even more difficult to prove that the benefit is unequal when appropriations deal with rules involving technical complications.\textsuperscript{24} In any case, it seems that the enforcement of the principle of equal appropriations must be executed also by internal administrative control mechanisms and should not depend on sporadic judicial review.

Another application of the principle of equality, which contributes to the struggle against corruption, is the relatively broad statutory obligation to conduct tenders for government contracts. Contracting without a tender is an effective way to favor cronies who supply low-quality services or goods on the one hand or charge high rates for services or goods on the other hand. In the past, the case law recognized the privilege of government agencies to choose their contractors, in the absence of a specific law mandating a tender (and such laws applied only in specific contexts, mainly in the area of local government law).\textsuperscript{25} In the 1990s, the Israeli Supreme Court has moved toward a new doctrine that mandates equal opportunities in government contracting, even in the absence of a specific law on a tenders. The practical aspect of the doctrine on equal opportunities in contracting is that general agencies should consider several contracting options (although not necessarily by way of a formal tender).\textsuperscript{26} However, after the Mandatory Bidding Law, 1992\textsuperscript{27} was enacted there is a general statutory

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\textsuperscript{23} Foundations of Budget Law 1985, S.H. 60 [hereinafter Foundations of Budget Law].
\textsuperscript{24} See Barak-Erez, supra note 19. See also Amnon De Hartog, “State Support for Public Institutions—The Emergence of Special Allocations,” 29 Mishpatim (1998) 75, 89-93 [in Hebrew].
\textsuperscript{25} Section 197 of the Municipal Corporations Ordinance [New Version], 1964, D.M.I. 197 [hereinafter Municipal Corporations Ordinance].
\textsuperscript{26} This doctrine was first elaborated in the opinion of Justice Barak in HCJ 840/79, The Center of Constructors and Builders in Israel v. The Government of Israel, 34(3) PD 729, but at that stage did not reflect the view of the court. It has evolved and was widely accepted only since the early 1990s. See HCJ 5023/91, Poraz v. The Minister of Housing and Construction. 46(2) PD 793; HCJ 6167/93, Eliyakim v. The Israel Land Administration, 48(2) PD 158.
\textsuperscript{27} Mandatory Bidding Law, 1992, S.H. 114.
duty to conduct tenders for government contracting. Since experience reveals that contracting without a tender is often an excuse for favoritism, this law should be considered another contribution to the struggle against corruption. Indeed, regulations promulgated according to the law state many exceptions to the general rule of bidding, but even when the formal duty to conduct a tender does not apply the government is still obligated to follow the judicial-made duty to evaluate several contracting options.

V. Transparency, Publicity, and Freedom of Information

A major development of Israeli administrative law focused on new principles of publicity and transparency. These principles have many advantages, some of which are outside the scope of the current discussion (for example, their contribution to the exercise of freedom of speech and therefore to the public discourse). Nevertheless, another advantage of the tendency to broaden publicity and transparency duties is their potential to expose government corruption. It is easier to make corrupt decisions far from the public eye.

The developments in the area of publicity duties are expressed in several Supreme Court decisions. In the constitutional context, the Court established the duty to publicize the content of political agreements between parties, a duty that was later on enacted into law. This rule of publicity was established during a time of rising criticism of prima facie corrupt political agreements, and is clearly connected to the struggle against corruption. In the administrative context, the case law on the duty to allocate public funding through well defined criteria mandates also the publication of these criteria.

29 HCJ 1601/90, Shalit v. Peres, 44(3) PD 353.
31 Non-discloser of the content of a corrupt political agreement can effect the results of the elections, and thus, was used as a basis for disqualifying the results of municipal elections. See RCA 3055/05, Frumer v. Sabag (given August 21, 2005).
32 In the constitutional level, there are also provisions on publicizing the lists of contributors to political parties. See Section 8(6) of the Parties Funding Law. This provision has the tendency to discourage contributions from both sides on the political map, contributions that are likely to be motivated by corrupt motives.
33 See supra note 22.
In addition to these positive duties to publish certain information, government agencies are also obligated to allow specific requests to reveal information. Traditionally, the Israeli Supreme Court recognized the right of individuals for disclosure of information in which they had personal interests, subject to exceptions which protected important contradicting interests, such as state security or privacy.34 Later on, a more general right to access government information was established by the Freedom of Information Law, 1998.35 This law expands the right of individuals to access information held by public authorities. The advantage of the statutory arrangement over the judicial doctrine is that it recognizes a general right to access government information, which is not dependent on the existence of personal interests. It establishes a public right to information, rather than a private one. Well-planned applications of this law may help to reveal information concerning government corruption. For the time being, though, the application of the law is still in its first steps. At this point, it is not yet clear if in fact the law has actually contributed to transparency (due to various problems such as fees and the burdensome nature of procedures mandated by the law).36

VI. Control over Government Expenditures

Another aspect of corruption is excessive expenditures of public funds to the benefit of undeserving individuals or bodies. These expenditures may sometimes take the form of inflated payrolls or payments to contractors. As noted, the fact that tenders regarding services and goods are often mandatory narrows this problem, because government contracts are usually the result of a prior competition. Yet, the duty to conduct a tender is not sufficient. First, there are quite a few cases in which the duty to conduct a tender does not apply or is subject to many exceptions.37 Second, even when the government contracts with a party after conducting a bidding process it may introduce into the contract

34 See HCJ 142/70, Shapira v. The District Commission of the Bar Association, Jerusalem, 25(1) PD 325; HCJ 2594/96, The Academic Section of the College of Management v. The Bar Association, 50(5) PD 33.
37 See supra not 28.
provisions which differ from those included in the original tender. This practice is generally prohibited but has not disappeared completely. Third, the duty of tender does not solve the problem of pay raises to public officials. Given the above, it is very important that no single person will have the power to authorize payments from the public budget. Therefore, it is also extremely important to establish supervising mechanisms regarding public expenses. Another important safeguard is provided by Section 29 of the Foundations of Budget Law which states that pay raises in the public sector exceeding the norm in this sector are valid only if approved by the Minister of Finance. Originally, this provision was enacted in order to regulate the scope of public expenses for general economic reasons. In practice, however, it also fulfills an additional goal: controlling corrupt payments in the public sector.

**VII. Remedies and Enforcement Mechanisms**

In order to be effective, the substantive rules of administrative law should be accompanied by enforcement mechanisms. Accordingly, the following analysis reviews the main mechanisms used to enforce anti-corruption doctrines—mechanisms that were specifically planned for the sake of eliminating corruption and as well as mechanisms that have other purposes as well but still have positive impact on the struggle against corruption.

1. Petitions to the Supreme Court—A very visible method for fighting public corruption is the practice of submitting petitions to the Israeli Supreme Court, in its capacity as the High Court of Justice (HCJ). Current case law has adopted a very broad approach to the standing doctrine, and in any case, standing barriers were completely neglected with regard to petitions against public corruption. In its capacity as the HCJ, the Supreme Court has the power to invalidate corrupt decisions and prevent their implementation. The option of bringing petitions to the

38 According to HCJ 118/83, Invest Impact Ltd. v. The General Manager of the Ministry of Health, 38(1) PD 729, negotiations with the winner in a public bid may not change the terms and conditions included in the bid.

39 See, e.g., section 203 of the Municipal Corporations Law.

40 See, e.g., 11 CA 9657/03 Red Star of David in Israel v. The Commissioner of Wages and Labor Agreements in the Ministry of Finance, 78(6) PD 794.

41 This broadening of the standing doctrine was accepted even by Justices who in general supported the conservative approach in this context. See HCJ 852/86 Aloni v. The Minister of Justice, 41(2) PD 1, 66.
Supreme Court has several advantages. In general, the procedures conducted by the Supreme Court residing as the HCJ are efficient and relatively short. When a petition is accepted, the Court is empowered to promulgate an order to invalidate the illegal decision petitioned against. Petitions to the HCJ have a public impact as well due to the prominence of the Supreme Court in the public scene. At the same time, this course of action has also several disadvantages, some of which have already been implied by this analysis. The review by the Court is dependent on sporadic petitions and on the evidence adduced by the petitioners who have limited access to relevant information. In addition, the review of the Court is limited to the specific petition before it, and therefore is short of dealing with systemic problems of corruption. Another problem concerns the shortcomings of the orders promulgated by the Court. These orders can prevent future actions but cannot always correct the results of corrupt actions that already occurred (such as past allocation of funds in a discriminatory manner).

2. Pecuniary remedies—It is important that Court orders aimed at preventing future corruption be complemented by pecuniary remedies against officials who spent public funds in a corrupt manner or against private actors who cooperated with them. In principle, this course of action is available based on ordinary tort law (using several torts, including negligence and breach of statutory duty). According to Israeli tort law, officials are not immune from liability in tort and can be sued by their public employers when their conduct constitutes “a grave deviation from the proper conduct of a public servant.” In practice, however, there is not yet a tradition of bringing such actions. In some areas, there are specific statutory provisions that enable to imposing pecuniary penalties on public officials who were found responsible for unjustified expenditures from the public budget.

3. Protecting whistle-blowers—An important ingredient of any struggle against corruption is the willingness of individuals system to report corrupt actions they come across. Reports of this kind should be part of the ethos of the public service, but in fact there is a danger that ordinary employees will

42 Section 7F of the Torts Ordinance [New Version], 1968, D.M.I. 266, as enacted by the Amendment to the Torts Ordinance (No. 10) Law, 2005, S.H. 950.
43 Mainly in the area of local government law, see Section 221 of the Municipal Corporations Ordinance and HCJ 1065/89 Golani v. Shaish, 45(1) PD 441.
refrain from action due to their fear from retaliation (by way of discharge
or otherwise). While law cannot completely negate these understandable
concerns; it should, create mechanisms for protecting those who are willing
to speak up. A mechanism of this kind was established by the Protection of
Employees (Exposure of Offenses and Infringement of Integrity or Proper
Administration) Law, 1997.44 This law, which belongs to the category of labor
legislation, prohibits to discharge an employee due to a complaint he had
filed against his employer or a fellow employee or because he had assisted
in filing such a complaint.45 The law applies not only to public institutions,
but also to private businesses with more than twenty five employees46 and
in that context centers on complaints regarding infringement of laws in the
workplace or in relation to it. With regard to public authorities, however,
it applies also to complaints regarding infringements of integrity or proper
administration.47

4. The State Comptroller—An important system that has potential to
contribute significantly to the elimination of public corruption is that of the
State Comptroller. In addition to internal comptrollers working within the
authorities, the State Comptroller has the general power to review actions
of public authorities, based upon Basic Law: The State Comptroller. Section 2
of this basic law, that specifies the functions of the State Comptroller,48 states
as its goal to examine “the legality of actions, ethics, proper administration,
efficiency and economy of the audited bodies, as well as any other matter he
considers necessary.” In practice, the State Comptroller dedicates growing
awareness and resources to the struggle against corruption, waste of public
resources, and preferential treatment for cronies. The effect of this form of
review is mostly in the public arena, since the State Comptroller files reports
but lacks the authority to enforce his conclusions. These conclusions are subject
to public scrutiny and in some cases may be enforceable by other means, e.g.,
when they lead to criminal investigations. In practice, infringements mentioned

44 Protection of Employees (Exposure of Offenses and Infringement of Integrity or Proper
45 Id. at Section 2.
46 Id. at Section 3(b).
47 Id. at Section 4(2).
in previous reports such as the practice of politically motivated appointments tend, regretfully, to reappear in later ones.

5. Disciplinary Proceedings—The State Service ( Discipline) Law, 1963\textsuperscript{49} and the Local Authorities ( Discipline) Law, 1978\textsuperscript{50} establish disciplinary mechanisms of an administrative nature, that deal with disciplinary offenses of public officials (in the state service and the municipalities, respectively). The disciplinary offenses are defined broadly and cover the violation of various instructions and rules. There is no doubt that corrupt actions, and above all conflict of interests, favoritism and bribery are, among other things, also serious disciplinary offenses. It is worthwhile mentioning that the definitions of the disciplinary offences also include actions that are “inappropriate,” or might “do damage to the image or good name” of the public service.\textsuperscript{51} In addition to this, a criminal conviction tainted with moral turpitude is in itself a basis for a disciplinary conviction according to these laws.\textsuperscript{52}

6. Control Systems—The enforcement mechanisms reviewed thus far may be characterized as legally oriented. These mechanisms should be supplemented by administrative control systems, which can prevent corrupt actions in real time. Examples of such control systems include the operation of internal comptrollers, rules requiring the signature of at least two public officials for every expenditure\textsuperscript{53} and external control by the Ministry of Finance on pay raises.\textsuperscript{54}

\textbf{VIII. Conclusion}

An analysis of the rules which apply to corrupt administrative actions reveals important legal developments that have contributed to the struggle against

\textsuperscript{49} The State Service ( Discipline) Law, 1963 S.H. 50 [hereinafter State Service Discipline Law].
\textsuperscript{50} Local Authorities ( Discipline) Law, 1978 S.H. 153.
\textsuperscript{51} \textit{Id.} at Section 17(3). Examples for convictions in disciplinary proceedings in offenses that concerned matters in which the public official had personal interests, see LGA 4172/02, Anonymous v. The Prosecutor in the Disciplinary Tribunal of the Employees of the Municipality of Jerusalem, 56(5) PD 673; SSA 6529/03, Kliger v. State Service Commission, 58(1) PD 734.
\textsuperscript{52} The State Service Discipline Law, \textit{supra} note 49, at Section 17(6). For a disciplinary conviction based on a prior criminal conviction in bribery and breach of trust, see SSA 7118/04 Shilo v. The State Service Commission, 59(3) PD 359.
\textsuperscript{53} See the text accompanying \textit{supra} note 39.
\textsuperscript{54} See the text accompanying \textit{supra} note 40.
corruption, mainly through specific doctrines based on the principle of equality (equal opportunities in the process of contracting and budget allocations based on well defined criteria) and the principle of transparency.

At the same time, it is important to point at the complicated and even problematic relationship between the development of the legal rules in this area and the practice of public corruption. The annual reports submitted by the State Comptroller, as well as other publications, testify to the existence of corruption with which the law does not cope effectively. Without changes in public atmosphere in the direction of an unconditional condemnation of government corruption, on a systematic change will not be possible. Nevertheless, awareness to this problem should not discourage from improving the relevant enforcement systems. In general, the advantage of using public law in this context is that public law is an integral part of the administrative environment which should evolve in the direction of rejecting corruption.