

/ () ()

حوكمة الشركات المساهمة في فلسطين: النظرية والتطبيق

*

// :

// :

*

Abstract

The Governance of Shareholding Companies in Palestine: Theory and Practice

This research paper addresses the governance of shareholding companies in Palestine. It explores governance concepts, rules, content, mandatory status and reality of application to Palestinian companies.

The research paper presents a vital issue of a broad international concern as articulated by academic and professional organisations and bodies. For over six years, stakeholders have stated strong demands for a better governance of corporations for several reasons, including:

- 1- Several instances of financial bankruptcy and fraud at public shareholding companies and banks have been in place, thereby raising questions such as: Where are management boards? Where are auditors? Where are internal auditors and controllers? Where are the regulatory and legislative bodies?
- 2- Economic breakdowns and financial crises affected a number of countries in East Asia, Latin America and Russia throughout the 1990s.
- 3- Over the past years, investors and shareholders have increasingly called for better governance, which will positively impact and guide investment-related decision-making.

The research paper applies a comparative analytical approach. It elaborates on and analyses principles and provisions pertaining to rules of governance at shareholding companies. The paper also explores the extent to which governance rules are efficient as well as applicable to companies in Palestine in comparison to internationally recognised norms.

Having thoroughly reviewed governance rules in force at Palestinian shareholding companies, the research paper comes up with a set of conclusions and recommendations, the adoption of which may promote the application of governance rule at shareholding companies and protect them against bankruptcy and collapse.

/ () ()

:

OECD))

()

:

.OECD))

//

(OECD)

:

(IFC)

(CIPE)

.(UAB)

:

)

:

(

.

.

.

:

:

(OECD)

.

.

.

.

.

.

:

/ () ()

.

:

.

.

.

.

.

:

.

:

.

.

:

:

.()

()

.

:

:

()

() (Corporate Governance)

()

(Corporate Governance)

(1) Porter, Michael and Kramer, Mark R,Stratigy And Society: The Link Between Competitive Advantages And Corporate Social Responsibility, Harvard Business, vol.85 Issue 4, 2007,pp133.

. www.majma.org.jo / / () ()

()

/ () ()

()

()

:

()

"

"

:

Corporate)

(Governance

)

()

(

()

:

(Internal Control)

:

:

Stakeholder))

()

:

()

:

()

()

/ /

www.elwfa.com:

()

(5) Velury U.Tom Frank And Johan Adms, Corporate Governance And Control Role, Harvard Business Review, vol.75 Issue 2, pp99.

:



:

.

.

"

.

() "

(OECD)

.

"

.

"

.

.

.

" :

() "

.

:

(1) Monks, Robert A.G & Mino, Nell, Corporate Governance, 2nd Edition, Blackwell publisher Inc, 2001.

:

()

/ () ()

"

"

():

.
. .
. .
. .
. .

()

:

:

:

:

:

()

():

()

()

(2) Chery,D. "Defining moment for good governance," Financial Executive, Vol.10.8, Nov.2003.p.49.

()

:

()
(Colonial Realty)

()

()

(/)

"

"

:

:

()

()

/ () ()

:

(.):

:

:

-

)

(/)

()

:



.

:

:

:

"

"

.

:

.

:

.

:

.

.

:

()

/ () ()

:

.

:

%

.

%

:

()

.

:

OECD))

:

:

()

:



(),

.

:

.

..

-

.



()

.

.

.

-

.

.

/ () ()

OECD))

:



.

.

.

.

.

:

.

.

.

.

.

.

.

.

:

.

:

:



:

.

:

.

.

()

:

.

.

.

.

.

.

.

.

.

.



()

//

/ () ()

: -

: -

:

:

()

.()

- -

:

:

():

() / /

. () -

. () -

. () -

. () -

. () -

. () -

. () -

()

()

%

%

%

:

.

.

.

.

.

:

()

/ () ()

%
%
%
()

()

() ()

():

()

(2) Lubna Al Shobaki, Assessment of Corporate Governance Practices, in the Palestinian Banking Sector in the light of Basel II Regulations, master thesis, Birzeit. Unv., 2007.

:



.

.

.

.

.

.

%

.

.

.

.

.

()

.

.

:

()



()

().

()

()

()

World Bank, Jordan Corporate Governance Assessment World Bank Rose Experience in Mena and the World Amman,(14 February 2005). William, Di., "Corporate Governance: what has happened and where we need to go" Business Economics, July, 2003, p123-125.

Egan, M., "Models of Business Governance: European Management Styles And Corporate Cultures West European politics 20(2), pp10. Crouch, C., et. Al., "Are Skills the Answer ? The political Economy of Skill Creation in Advanced Industrial Economies" ,Oxford University Press, pp;74.

()

:

().

().(OECD)

"

"

:

(OECD)

()

()

(OECD)

()

()

:

()

:

www.cipe-arabia.org

()

()

//

:

() .

%

%

() .

:

:

(OECD)

()

(2) Saidi, N. Corporate Governance in The Arab Countries: Role of the banking system in Ensuring Transparency And Disclosure: Forum on Corporate Governance in Banks and Financial Institutions, Muscat, January,2005.

/ () ()



:

.

.

:

()

-

-

.

.

.

:

()

.



()

()

..

:

()

()

:()

<http://www.p-s-> :

//

[e.com/PSEWEBSite/AboutMarket.aspx](http://www.p-se.com/PSEWEBSite/AboutMarket.aspx)

()

/ () ()

Economy Watch

()

)

(

:

()

//

<http://www.p-s-e.com/PSEWEBSite/AboutMarket.aspx>

:



()

:

.

.

:

.

.

.

()

:

.



()

()

/ () ()

()

:

:

():

.

.

.

()

()

//

:

-

. ...

:

.

-

-

.

()

-

.

-

.

-

.

.

.

.

.

.

.

.

.

.

.

/ () ()

.

:

:

.1

.2

.3

.4

.5

()

:



.

.

:

.

:

.

.

.

:

.

:

.

.

.

.

:

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

:



:

.

.

:

:

.

)

.(

.

.

.

:

.

.

:

.

/

.

.

//

/ () ()

:

:

.

.

.

.

.

-

:

.

/

-

.

.

/

:

www.cipe-arabia.org :

1. Porter, Michael and Kramer, Mark R, Strategy And Society: The Link Between Competitive Advantages And Corporate Social Responsibility, Harvard Business, vol.85 Issue 4, 2007.
2. El- Kharouf, Farouk, Corporate Governance and the Future of the Arab Banking Industry ', The Arab Bank Review, vol, 2, no.2, 2000.

3. Maureen, N., 'Corporate Governance and Client Investing', Journal of Accounting, January 2004.
4. Monks, Robert A.G & Mino, Nell, Corporate Governance, 2nd Edition, Blackwell publisher Inc.2001
5. Velury U.Tom Frank And Johan Adms, Corporate Governance And Control Role, Harvard Business Review, vol.75 Issue 2.
6. Chery,D. "Defining moment for good governance," Financial Executive, Vol.10.8, Nov.2003.
7. Egan, M., "Models of Business Governance: European Management Styles And Corporate Cultures West European politics .
8. Crouch, C., et. Al., "Are Skills the Answer ? The political Economy of Skill Creation in Advanced Industrial Economies" ,Oxford University Press.
9. World Bank, Jordan Corporate Governance Assessment World Bank Rose Experience in Mena and the World Amman,(14 February 2005).
10. William, Di., ", Corporate Governance: what has happened and where weneed to go" Business Economics, July, 2003.
11. World Bank, Jordan Corporate Governance Assessment World Bank Rose Experience in Mena and the World Amman,(14 February 2005).
12. Saidi, N. Corporate Governance in The Arab Countries: Role of the banking system in Ensuring Transparency And Disclosure: Forum on Corporate Governance in Banks and Financial Institutions, Muscat, January,2005.
- 13.Lubna Al Shobaki, Assessment of Corporate Governance Practices, in the Palestinian Banking Sector in the light of Basel II Regulations, master thesis, Birzeit. Unv., 2007.

:

