

PD-ABK-042
9157

Project file

From: FA/OP/B/HNE:

MEMORANDUM OF DISTRIBUTION

1. OBLIGATION: This is a partial final award under PIO/T No. 294-0159-3-463206. If final obligation, OP has no objections to the dereserving of any remaining funds.

II. DOCUMENT IDENTIFICATION/INFORMATION:

- a. Document No.: ANE-0159-G-55-7050 Mod # 7
- b. Incremental funding action: YES NO
- c. Buy-in: YES NO
- d. Document has been transmitted to recipient /grantee for signature. Date transmitted: Signed 5/2/94
- e. Method of Financing (check one only)
 - Letter of Credit
 - Periodic Advance
 - Direct Reimbursement

III. FM DISTRIBUTION

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VII. CONTRACT FILE

Original document signed by all parties to be inserted in file.

Copy of this form goes with each copy of the document distributed and one copy remains in the official file.

Timothy T. Beans

Timothy T. Beans
Chief, FA/OP/B/HNE

Date: 5/2/94



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

APR 29 1994

JD40

Amb. Robert S. Dillon
President
America-Mideast Educational
and Training Services, Inc.
1100 17th Street, N.W.
Suite 300
Washington, D.C. 20036-4601

Subject: Grant ANE-0159-G-SS-7050-00, Amendment Number 7

Dear Ambassador Dillon:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, and the Federal Grant and Cooperative Agreement Act of 1977, the Agency for International Development hereby amends the subject Grant to provide \$920,369 in incremental funding, revise the budget and add the Public Law Project to the Institutional Development component of the Grant Program Description. These funds are intended to cover allocable and allowable expenditures for the orderly phase out of several components within six months of this amendment, for the Public Law Project to be completed by Palestinian jurists within six months, and for the thirteen Thomas Jefferson Fellows who will complete their studies by September 30, 1996. Accordingly, the Agreement is amended as follows:

I. COVER LETTER

1. The amount of funding obligated in the third paragraph of the Cover Letter is hereby increased by \$920,369. Accordingly, delete the obligated amount of "\$15,633,776" and replace with "\$16,554,145."
2. Delete the estimated date of "March 31, 1994" in the third paragraph and replace with "September 30, 1996."

BEST AVAILABLE DOCUMENT

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AMENDMENT NUMBER 7

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II. ATTACHMENT 1 - SCHEDULE

1. Under Article B., Period of Grant

In Section 2., delete the estimated date of "March 31, 1994" and replace with "September 30, 1996."

2. Under Article C., Amount of Grant and Payment

In Section 2., delete the amount obligated "\$15,633,776" and replace with "\$16,554,145."

3. Under Article D., Financial Plan (Budget), delete the budget breakdown in its entirety and replace with the following:

"BUDGET
9/1/87 - 9/30/96

<u>ELEMENT</u>	<u>ESTIMATED AMOUNT</u>
Faculty Development	\$ 2,390,777
Continuing & Adult Education	385,967
Institutional Development	1,026,268
Public Law	258,000
Public Law Evaluation	6,000
Professional Development	1,197,367
Small Business Development	799,537
Health Manpower Development	4,219,070
Basic Education	222,809
English as a Second Language (ESL)	346,249
Administration:	
Direct Costs	2,860,956
Overhead	1,402,430
G&A	1,346,333
Project Evaluation	92,382
	=====
TOTAL GRANT AMOUNT	\$16,554,145"

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III. ATTACHMENT 2 - PROGRAM DESCRIPTION

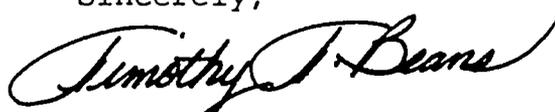
Under Section D., Grantee's Proposal, add the following:

"The Grantee's six month research program entitled "Proposal to Amend ANE-0159-G-SS-7050-00 to Include Research, Consultation and Assessments Toward the Redevelopment of Public Law" is hereby incorporated in its entirety and made a part of this Grant Agreement."

Except as expressly amended herein, all other terms and conditions of Grant ANE-0159-G-SS-7050-00 remain unchanged and in full effect.

Please sign all copies of this letter to acknowledge your receipt and acceptance of this Amendment Number 7. Retain one copy for your files and return the original and all remaining copies to this office.

Sincerely,



Timothy T. Beans
Grant Officer
M/OP/B/HNE Branch
Office of Procurement

ACKNOWLEDGED BY:

AMERICA-MIDEAST EDUCATIONAL AND TRAINING SERVICES, INC.

SIGNATURE: Diana Kamal

TYPED NAME: Diana Kamal

TITLE: Senior Vice President

DATE: May 2, 1994

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FISCAL DATA

SOURCE OF FUNDS	Near East Bureau
PROJECT NUMBER	294-0159 West Bank/Gaza Development
PIO/T NUMBER	294-0159-3-4632010
APPROPRIATION NUMBER	72-113/41037
BUDGET PLAN CODE	HES3-94-33294-IG12
ALLOTMENT NUMBER	370-63-294-01-69-41
AMOUNT OBLIGATED	\$ 920,369

AMOUNT PREVIOUSLY OBLIGATED:	\$15,633,776
AMOUNT OBLIGATED THIS AMDT:	\$ 920,369
TOTAL OBLIGATED AMOUNT	\$16,554,145
UNOBLIGATED AMOUNT	\$ 0
FUNDING CEILING	\$16,554,145
DUNS NUMBER	07-480-7124
LETTER OF CREDIT NUMBER	72-001304

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**PROPOSAL
TO AMEND ANE-0159-G-SS-7050-00
TO INCLUDE RESEARCH, CONSULTATION AND
ASSESSMENTS TOWARD THE REDEVELOPMENT OF PUBLIC LAW**

I. PROJECT SUMMARY

The goal of this Public Law Project is rapidly to provide a context for the local legal and judicial sectors to study, debate and assess the key legal issues involved in the transitional period leading to Palestinian autonomy in the West Bank and Gaza Strip.

The Public Law Project's purpose is to enable the legal and judicial sectors to determine the present and future priorities for rehabilitating the rule of law in the West Bank and Gaza Strip. At the same time, legal practitioners will be able to identify the resources and determine longer-term training and institutional-strengthening interventions needed to develop key areas of the legal and judicial sectors. On other levels, legal practitioners will also recommend ways and means to improve efficiency, introduce legislative skills and carry out needed public education that will help restore Palestinian public consensus around the autonomous rule of law. The process created by this project will also allow the legal and judicial sectors to advise and consult with the emerging leadership more effectively on legal issues.

AMIDEAST will provide material and logistical assistance to the legal and judicial sectors in cooperation with indigenous legal associations and legal-oriented nongovernmental organizations over a six-month period. These interventions will enable as large a segment as possible of these sectors to benefit from a series of sector assessments studies, specialized technical workshops, expert consultations and public forums that are integrated and mutually complementary.

As a result of the Public Law Project, appropriate measures needed to restore the normal function of the legal profession in the West Bank and Gaza Strip will be clarified. The sector assessments, technical workshops, discussions and consultations will produce useful assessments of indigenous skills, expertise and institutional capacities in place, and provide practical recommendations to AMIDEAST and AID on how to address existing strengths and weaknesses in the legal and judicial sectors through future training and institutional-strengthening projects. Those future interventions will be vital to establishing and maintaining the new legal regime, and thus enhance democratic governance in general.

PROPOSAL
TO AMEND ANE-0159-G-SS-7050-00
TO INCLUDE RESEARCH, CONSULTATION AND
ASSESSMENTS TOWARD THE REDEVELOPMENT OF PUBLIC LAW

II. CONTEXT/PROBLEM

The rule of law, Palestinian legal institutions and the legal profession in the occupied Palestinian territories (OPTs) have deteriorated steadily since 1967, leaving legal practitioners (lawyers, judges, paralegals, legal researchers, etc.) without the possibility to build professional experience and institutional capacities needed to support the Palestinian legal system that will emerge in the current process toward autonomy. In addition, there is little indigenous Palestinian jurisprudence, and developing the new legal regime will require much debate and further legal training for practitioners. With the peace process and the current prospects for establishing Palestinian autonomy in the OPTs, both individual professionals and institutions in this important sector of Palestinian civil society will need to be strengthened not only to meet the demands of the emerging situation, but in particular also to maintain constructive and reciprocal relations with both the emerging central authorities and the general public.

Israel's Ministry of Defense largely supplanted the pre-1967 legal regime (indirectly through the Civil Administration since 1981) in the OPTs. Since 1967, military committees have adjudicated cases involving state interest, such as land, settlement, water and public security issues. Civil and Islamic courts have been marginalized, with civil courts reduced to hearing only relatively minor cases, such as insurance and personal injury cases. The lawyers' strike of 1967 has continued throughout the occupation. Meanwhile, lawyers' prestige and function have diminished. The few new lawyers trained in the past generation, such as those in Gaza graduating from Egyptian universities, have little opportunity to develop their skills. The new graduates have disparate training backgrounds, and the professional standards across the legal sector are low. Once divided by differing strike positions and along other lines, the approximately 70% lawyers in the OPTs have taken important steps toward reconciling among themselves, as well as with the general population, through the initiative of some key local lawyers and institutions.

The conduct of the *intifada*, the popular Palestinian uprising, over the past six years has also supplanted legal counsel and procedures for expedient purposes. For example, strikes called by the Joint Leadership of the *intifada* and/or the Islamic Resistance Movement (HAMAS) have regulated commerce and public affairs extralegally. Observers estimate that these measures have contributed to a 30% decline in the OPTs' economy. Not only have local committees individually and collectively competed with the occupation authorities in regulating civil society, but groups within the Palestinian community have also vied for *de facto* regulatory authority to assert their policies and decrees in place of effective public law.

The success of the peace process and autonomy plan will also require an appropriate public-education effort in the OPTs to build Palestinian civil society's consensus for the emerging rule of public law. With approximately 80% of OPT residents under the age of 26, a significant majority of the population has known only the rule of military occupation law. Various official practices under occupation have contributed to the erosion of any popular sense that law is a social requisite. A recent public opinion survey among youth in the Gaza Strip, for example, has indicated that a significant proportion of the youth equate the concept of "authority" with "the enemy." This alone raises important questions about how to establish and maintain an indigenous legal authority, underscoring the need for a concerted public-information effort to engender popular consensus around the emerging legal regime.

The combined negative effects of occupation on the indigenous legal profession and civil society indicate the urgency of resuscitating effective public law and its practice in the West Bank and Gaza, particularly as the development of law is essential to every other aspect of civil society in the coming stages of the process toward autonomy.

Adapting to the new post-peace accord realities requires new practical thinking in all sectors, but the legal and judicial sectors bear a special responsibility: to rise to the task of advising and consulting with the emerging authorities and the public on all aspects of the transition with regard to the establishment of an indigenous legal regime. With many individual practitioners and legal institutions weakened as a consequence of the military occupation, the legal and judicial sectors need quickly to define their own priorities and needs, as well as the contours of a functioning legal regime. This involves major questions, such that relate to:

The legal profession: What training and retraining do attorneys need in order to function to their capacity and meet new demands, and what technical and personnel assistance, support facilities and other resources will individual attorneys and judges need to meet the task of trying civil and criminal cases fairly and efficiently?

Courts and legal institutions: What institutions need to be built (such as appellate courts, regulatory agencies or an office of the attorney general, etc.), and what expertise and technical capacities are needed now for such courts and institutions to function at current international standards? What is the nature of the research facilities that are currently accessible to attorneys and judges, and what services are still needed?

Public consensus: What are current public attitudes toward the rule of law, and what steps need to be taken to educate the public about the emerging legal regime and their stake in it? What lessons have been learned from other comparable situations (e.g., Namibia, Baltic states, etc.) in rehabilitating the indigenous rule of law to the public as a social benefit?

The emerging authorities: What attention, if any, have the local or external Palestinian spokespersons and Technical Committees paid to the complex issues related to the rule of law in the OPTs? What channels currently exist for local jurists and legal-oriented organizations to consult with these authorities? How can the legal professionals ensure that the essential rule-of-law questions are adequately addressed in all aspects of the transition?

These questions need to be posed, and their answers need to be explored systematically, drawing both on the collective expertise present in the OPTs and on appropriate outside advice.

Local legal experts and practitioners urgently need to determine which areas of public law need to be developed, and with which types of inputs (e.g., training, support staff development, institutional strengthening, or material and technical assistance). In the process, these jurists may, for example, proffer recommendations related to the new draft National Authority Law, or determine the need for progressive steps toward drafting a bill of rights or implementing legislation that will make disparate law in force (i.e., Ottoman, Mandate-era, Jordanian, international) compatible with the emerging legal system. This may require the preliminary work toward drafting new commercial law codes, for example, to address the unprecedented interstate trade prospects.

Legal experts and practitioners have already begun to identify some of the most critical areas of law affecting civil society in which knowledge and skills will need to be developed. These areas, which will form the themes for the planned technical workshops, so far include land and property law, commercial

law, environmental law, women and the law, codifying international human rights standards, arbitration, legal procedures and drafting legislation, among possible others. The Public Law Project will provide a vital service to the legal and judicial sectors during the impending stages of their redevelopment to build support for the work yet to come.

III. PROJECT BENEFICIARIES

The legal and judicial sectors, collectively, are the principal beneficiaries of the Public Law Project's activities. The Project does not seek to generate a new organization, nor formalize a coalition of individuals or organizations into a new structure or entity. It does, however, seek to provide a new, cooperative context for existing integral bodies and individuals to realize the benefit of common discussions, debate and deliberation that will lead to improved professional standards and engagement in the various aspects of redeveloping the rule of law and the courts in the OPTs.

A number of indigenous legal-oriented organizations, involving many lawyers, have been established in the OPTs, both before the occupation and particularly over the past decade. Their work has generated an awareness, both locally and outside the OPTs, of the local population's legal rights under humanitarian and human rights law, and have been both a source and purveyor of democratic governance concepts and values. They promise to continue their constructive role in further building democratic public consensus and advising the new central authorities on the issues involved and values at stake in developing the new legal regime.

As an illustrative example, these institutions include, among others,

- The Arab Lawyers Committee,
- Quaker Legal Services,
- *al-Haq*—the Palestinian Human Rights Organization,
- Bir Zeit University Continuing Education Center,
- The Jordanian Bar Association,
- The Gaza Bar Association and
- Palestinian Lawyers for Human Rights (Gaza).

Debate on the future legal regime has already begun within and among such legal-oriented NGOs and institutions, as well as among many individual members of the legal and judicial sectors. However, much of this debate is still fairly diffuse without a systematic approach having specified outputs. Consequently, this discourse is also largely distant from both the public and the emerging political leadership. Mindful of the paucity of legal advisers to the Palestinian delegation in the peace negotiations, as well as within the emerging central authorities in the OPTs, legal practitioners and legal-oriented NGOs have already recognized that they will have to initiate a process toward defining and seeking necessary support for the rehabilitation of their profession so that it can contribute positively to the indigenous rule of law, which underlies most other aspects of the transition.

IV. CURRENT ACTIVITIES AND PROPOSAL

Over the years, AMIDEAST has amassed specific experience at administering legal-sector survey activities and built a regional and international network of legal specialists and educators. Under its current funding in the HRDP III grant, AMIDEAST has been able to fund a range of training activities to support a wide variety of professional and educational institutions and nongovernmental organizations in the region. For some time, AMIDEAST has been prepared to work in the legal sector in the West Bank and Gaza Strip as well; however, until now, its funding partners had not been disposed to engaging in such projects.

With AID support in 1991, AMIDEAST established the Development of Democratic Institutions (DDI), a specialized unit to develop AMIDEAST's institutional capacity in providing training and technical assistance to both governmental and nongovernmental institutions engaged in governance-and-democracy activities. Through DDI, AMIDEAST has built upon its previous projects, such as the Legal Education and Training Project (1981-89), by programming activities designed to strengthen institutions and organizations in the Middle East/North Africa to undertake various democratic development initiatives. Through the Legal Education and Training Project, AMIDEAST worked with lawyers, members of the judiciary and NGOs on a region-wide basis to educate and train in the field of legal rights. That project produced specialized training materials and publications and organized training workshops on aspects of the law, human rights and legal situations relevant to participants throughout the Arab world. Much of that institutional capacity and experience has been maintained in AMIDEAST's region-wide field offices, as well as at its headquarters.

Subsequently, the current DDI project has, for example, supported a sector survey of parliamentary and regulatory agencies in Lebanon, and is currently preparing to administer an assessment of the Egyptian Ministry of Justice's development needs. DDI has also administered judicial training in the United States for Yemeni judges and legislative-development training for Tunisian parliamentarians. DDI has also assisted women's NGOs in Tunisia and Morocco to develop management and organizing skills that enhance their participatory role, as well as to develop locally relevant public-education materials on women and the law in Tunisia. Thus, DDI has further built up AMIDEAST's institutional capabilities to carry out governance and democracy projects across the Arab world. The DDI unit at AMIDEAST Headquarters coordinates those region-wide activities and provides a needed macro-level perspective that encompasses and links AMIDEAST field offices and many other institutions. Thus the DDI unit helps marshal local and regional expertise, as well as identifies and mobilizes U.S.-based partners in governance and democratization projects. DDI's specialized coordinating and institutional capabilities, as developed, will be central to the present task toward developing the rule of law in the West Bank and Gaza Strip.

Under the proposed Public Law Project, AMIDEAST will coordinate applied legal research and specialized technical workshops with the appropriate legal institutions, centers and organizations in the OPTs. Based on its long association and ongoing consultations with local legal specialists and institutions, AMIDEAST understands that now is the moment for urgent, short-term assistance to facilitate the legal sector's redevelopment process, first by working with indigenous institutions to identify and prioritize appropriate inputs in the coming redevelopment phases.

By pooling appropriate local, regional and international legal experience, long-disparate and small-scale efforts made in the West Bank and Gaza Strip so far will be complemented by a coordinated program of short-term legal-sector needs assessments. Near-term assistance will also make possible a series of related

publications for specialists (and the concerned public) to contribute to the thinking toward the new public law regime and new regulatory developments. Building upon comparable AMIDEAST projects elsewhere, the Public Law Project also includes a public-information component that will encourage popular awareness of commensurate rights and responsibilities under the new legal system, of which the public will soon become a part. This is a perceived outcome of the public forums, which are designed as mechanisms for exchange and consultation between the legal/judicial sectors and the concerned lay person. The combined outputs from the technical workshops, public-forums and related publication activities will also be made available to appropriate new central authorities and decision-making bodies.

Built into this project is a reconciling dimension, as well as a consultative one. Members of the legal profession will find common ground, which will lead toward reconciling their division and estrangement since 1967. The Public Law Project will lay the foundation for future programs within existing legal institutions. It is foreseen that this experience will indicate the nature and subjects of legal, judicial and/or legislative-sector projects needed in the longer term.

Toward the end of the six-month implementation period, the legal and judicial sectors will be well placed to articulate their substantive recommendations to the Legal (Technical) Committee and/or, depending on the actual schedule of the elections proposed for July 1994, to the newly elected leadership in the form of the Palestine National Authority Council (government).

V. IMPLEMENTATION

There is currently no law faculty in any of the Palestinian institutions of higher education. And without a functioning legal regime, establishing a Palestinian law school or new law center now would be premature. However, expertise and training are needed immediately to prepare legal practitioners to help build and maintain an autonomous Palestinian legal regime.

AMIDEAST will provide the means for and coordinate a series of legal technical workshops involving active members of local legal organizations and institutions (as illustrated above). This will coincide with and complement the sector research activities that will enhance and direct the technical workshop deliberations. Planned also are public forums on issues related to the new legal realities. The public forums that will provide the context in which legal practitioners and the public can meet to share views and consult on relevant legal matters. They will operate much like town meetings, with a facilitator ensuring the order and flow of presentations and discussions.

The technical workshops, sector research activities, outside consultancies and public forums, as well as the publication components of this project are designed to deliver outputs in a decentralized fashion, distributing activities among each of at least four regional centers. Implementation of the Public Law Project will begin immediately upon availability of resources. The Project's expected duration will be six months. (See attached implementation schedule.)

A. Initial consultations:

AMIDEAST will coordinate an initial consultation conference with wide participation of the legal/judicial sector. This will be a preannounced, one-day consultation at a neutral location in Jerusalem. The purpose of the initial consultation will be to determine formally the order and priority of the technical workshop topics. The criteria for selecting topics will be the urgency

of development in the particular legal area in question, as well as the degree of needed inputs foreseen in bringing capacities of that particular area of the sector up to standard.

For the initial consultation, it is proposed to have on hand an legal personage of considerable international standing to set the consultative tone of the session and to cast the redevelopment of the OPT legal and judicial sectors in a context. Such an individual should be perceived as neutral as possible and could soften any inherent divisions among the participants. Ideally, this person could also speak out of first-hand experience about comparable processes that have taken place elsewhere in the world and, thus, outline some of the challenges and potential pitfalls, based on that experience. Someone of the stature, intellectual achievement and legal experience of John Dugard of South Africa could fill that role. That expert could remain on hand to carry out a general sector assessment that could be offered in one of the subsequent workshops. Additionally, the presence of this outside personality could obviate any mistaken perception that AMIDEAST is playing a disproportionate role in directing the content of the ensuing technical workshops. Although the outsider would be a constructive force at the initial consultation, the objective of the initial consultation must be to allow the participants themselves to determine their own urgencies and priorities.

A similar initial consultation will take place to set the agendas of the public forums. This, too, will be a one-day event, publicly announced in advance, for concerned individuals and NGOs. The AMIDEAST country director could moderate this event, but similarly the participants are to determine their own project agenda, which AMIDEAST will facilitate.

Steering Committees: In order to maintain the principle and function of the local members of the affected sectors determining the agenda of the project, each initial consultation (both for jurists/technical workshops and for NGOs/public forums) would result in the formation of a small (5-6-member), informal, representative Steering Committee that will advise on various matters involved in conducting the project activities (technical workshops, public forums, publications, etc.). The Steering Committees would work with the AMIDEAST country director and project coordinator to provide ideas and guidance at appropriate turns on the administration of the Public Law Project. The Steering Committees could meet every two months during the project. From the outset, they could help refine workshop topics, research activities and contribute to the public forums. This will ensure continuity between the initial consultation and the wrap-up events, as well as a firm basis from which the project can consistently reflect the jurists' priorities.

B. Local technical workshops:

AMIDEAST will support eight (8) local technical workshops on key legal issues for approximately one hundred (100) Palestinian lawyers and/or judges. This support will be in the forms of overhead, hiring facilitators, logistics, recording and sound equipment, translation (when necessary), other technical assistance, coordination among participant groups and individuals, honoraria and some transportation for each technical workshop.

Participants in the technical workshops will be encouraged to attend on the basis of liberal criteria: demonstrated interest, aptitude and/or specialization in the particular technical workshop topic and personal interest.

Most technical workshops would be short (2-3 days) and focused on a particular area of public

law. They are planned to be closed-door working sessions, but others may involve a forum for the public or nonlegal expert testimonies for discussing specific issues. The technical workshops, would be offered alternately in four regional centers (e.g., Nablus, Jerusalem, al-Khalil [Hebron] and Gaza City). They are designed to cover the specialized areas of the law as determined by initial consultations with the participant organizations.

Seven of the eight sessions could be divided between the legal sector (attorneys) and judicial sector (judges), each having distinct issues and priorities. The eighth and final session is reserved for a "wrap-up" session with a very clear priority-setting and project-assessment focus.

In planning the seven thematic workshops, for example, the jurists' Steering Committee could determine three technical workshops for judges and five for attorneys and general legal issues. Moreover, the topics of the workshops could be categorized as broad, system-wide issues (such as procedures, human resources, arbitration) and statutory issues (such as commercial law, taxation law, etc.) Based on its preproject consultations with individuals and organizations in the legal sector, as well as published legal analyses and relevant public statements on the subject, AMIDEAST anticipates that the subjects will likely be proposed from among the following subjects:

General legal issues:

- codification of human rights law and standards,
- arbitration,
- the nature and role of Palestinian jurisprudence,
- legal procedures and
- drafting legislation; and/or

Statutory issues:

- commercial law,
- labor law,
- criminal law and law enforcement,
- land and property law,
- environmental law,
- women and the law.

AMIDEAST will also support the reproduction and distribution of needed background materials, articles, reports and other printed materials used in the technical workshops.

The eighth and final "wrap up" will be a closed session for the project participants, especially key players in the sectors. This will be a working session whose purpose is to develop a set of training support and development recommendations based on the priorities and new information that have emerged through out the Public Law Project. This session would result in a useful document that culminates the lessons learned over the preceding six months.

All technical workshops will be recorded on tape for future reference. A documentary record of the proceedings of each technical workshop will be published in Arabic and English reflecting the conclusions and recommendations that emerge from the discussion for the current and future development needs of that particular area of the law. (See Publication support [E] below.)

C. Visiting scholar/research consultancies:

AMIDEAST will support four site visits to the West Bank and Gaza Strip for up to two weeks by external scholar/experts in key legal specialties, coinciding timing and topics with specific seminar/workshops. These visits may involve presenting lectures or specialized instruction, or take the form of a short-term investigation/assessment of the legal situation in a particular legal area for the purpose of providing independent advice for local consideration. Since they would be sought because of their demonstrated expertise in a legal field addressed by another activity of the project—technical workshops and/or research components, the visiting scholars/experts also would be invited to attend the technical workshops and/or public forums, and would be encouraged to participate in the discussions. Local institutions will propose a total of four especially qualified scholar/experts, including U.S.-based and regional persons. These proposals will be taken during and immediately following the initial consultation sessions.

D. Sector research:

AMIDEAST will maintain a fund for supporting six (6) specific research studies on issues related to the technical workshop topics. AMIDEAST will administer the research, which will be carried out by indigenous legal associations and institutions, or competent local individuals or other groups. The research will address the most pressing legal questions and make specific recommendations on matters of law applied to the emerging situation. The recommendations and conclusions of the sector research assessments will be considered in the technical workshops. These assessments will cover subjects on which satisfactory background material is so far lacking, without which the priority setting technical workshops would be less than conclusive. The research topics will be selected in the initial consultation, as well as possible subsequent meetings and representative consultations with the legal and judicial sectors. In addition to shedding light on particular aspects of law arising during the transition period, these research activities will also help the organizations conducting the studies clarify their own special interests within the larger division of labor in the legal-sector redevelopment process.

The series of sector research papers, providing the basis of workshop deliberations in some cases, will, among other outputs, serve as independent assessments of the adequacy of existing law, jurisprudence, human resources and technical capabilities of the autonomous legal sector to meet the challenges of the new legal system. They are intended also to bring a needed comparative perspective to the West Bank and Gaza Strip from experts with recognized experience in analogous self-rule processes.

For example, sector research could provide the first opportunity to consolidate foregoing and current efforts to compile an assessment of Palestinian jurisprudence and its prospective role in the emerging legal system. Very little has been written on the subject since the occupation. Much Palestinian jurisprudence was supplanted by Ottoman laws of the mid-19th century *tanzimat* and subsequent regimes; however, such indigenous forms of legal practice may be relevant to certain civil cases, as well as land and property cases. Environmental law, too, is a subject of urgent legal concern. Little environmental law had been developed prior to the occupation, but urgent environmental issues may underscore the need for rapid development in this legal area,

and only a few Palestinian lawyers are active in this specialization. For legal minds to consider available options, including international standards and statutes in neighboring Israel, Jordan and other countries, a survey of legal materials and sources of law would likely be needed. Throughout the course of the Public Law Project, similar surveys with relevant conclusions and recommendations would also be constructive in the areas of women and the law, land law, taxation, human rights or commercial law, according to the priorities set at the initial consultation.

The duration of any research activity will be no more than two months and provide more in-depth consideration of relevant subjects by local experts. Most of these research activities will be simultaneous with the technical workshop schedule, and are intended to be mutually beneficial.

E. Public forums: reciprocal exchanges

AMIDEAST will sponsor a series of eight (8) public forums for the discussion of law issues, providing a context for reciprocal exchanges between members of the public and jurist participants in the Public Law Project. The public forums will be scheduled approximately every three weeks, and their subject will be determined in consultation with the participating members of the project (i.e., representatives of the legal organizations and other individual participants) and concerned NGOs.

AMIDEAST's involvement to the public forums will be in the provision of financial and logistical support, preparing documentation and/or published material relevant to the actual agenda topics. AMIDEAST will also prepare and carry out the needed public-service advertising in advance of each forum. (All public activities of the Public Law Project will be announced in local newspapers and other media, as appropriate.)

Two forums will be held each in Gaza City and Jerusalem, and two each in the two other West Bank centers (Nablus and al-Khalil [Hebron]). These will be more general and open discussions of what is happening in the development of law and how it will affect the everyday lives of the populous. One purpose of the forums, beyond merely providing public information, is to engage popular interest in the legal redevelopment process.

Since the topics of the public forums are expected to relate directly to the technical workshops—and consequently to the sector research—the legal/judicial sector members in general will be encouraged to attend the public forums as well. This will give an early opportunity to members of the legal profession to relate to, and consult with interested members of the public who would not be involved in the more specialized (and perhaps somewhat more socially isolated) discussions of the technical workshops, but who may have particular perspectives and relevant concerns on the subjects taken up in the workshops.

The perspectives and input from the public will be instrumental also in the legal sector's ultimate determination of what are the priorities and expectations of the citizen on the street, whose transition from military occupation to autonomous rule of law represents a conceptual leap, and requires numerous practical adjustments. Popular consensus, in this unique context, is essential to the success of every aspect of the peace process, not least the development of the indigenous rule of law.

The proceedings of the public forums will be compiled, published and distributed in a timely manner following the event.

F. Publication support:

AMIDEAST will support the production, publication and distribution of the technical workshop reports, as well as the final project report. All project materials will be published in English and Arabic. These will include also publication of the assessments or fact-finding reports produced by the visiting scholar/expert consultants. These will form part of the interim public record and provide tools for further debate and public education.

The project's final report will include a compendium of the individual workshop discussions. This is foreseen as a kind of "blueprint" for future activities and projects envisioned with the purpose of developing the indigenous rule of law. This report will assess not only the statutory issues, but also articulate ways to meet the need to create and maintain consultative channels between the legal sector and the emerging leadership, as well as communication with the public toward achieving popular consensus around the new legal authority.

Single copies of Public Law Project-published materials will be made available gratis to individuals and institutions on request. They will be made available also to public officials of the central authorities and elected legislators, as appropriate.

G. Material assistance:

The lack of available information is clearly hampering current discussion and decision making in the legal and judicial sectors of the OPTs. AMIDEAST will provide published works and other legal materials urgently needed in order to provide a basis for discussions and sector research/assessment activities outlined in this project. These materials will be made available to existing legal associations, resource centers and legal-oriented NGOs. This material assistance will also include books, compilations of laws and codes, planning maps and other urgently needed archival materials in various media, including microfilm. This material aid is seen as distinct from those materials used in the local technical workshops.

Examples of material assistance to be rendered include the *Laws of Palestine* microfilms; international legal materials, in particular *The Compilation of International Instruments* and *The Status of International Instruments* (in Arabic) published by the United Nations, the reproduction of planning maps in order to review the land law regime; compilations of Israeli military orders (recently available in publication). Most law offices and associations lack these and other basic materials. For example, in all of the OPTs no set of the *Laws of Palestine*, to date, is known to exist.

H. Staffing and administration:

AMIDEAST will recruit, train and maintain temporary staff at the AMIDEAST/Jerusalem office to administer the Public Law Project for its six-month duration.

The AMIDEAST/Jerusalem field office director will oversee general policy and direction of the Public Law Project. The activities and production work will be carried out in coordination with the local legal institutions. This will ensure the collaborative nature of the work and draw on a variety of the best available expertise, while being responsive to the needs and interests of various segments of the legal and judicial sectors.

The intended Public Law Project coordinator is an existing employee of AMIDEAST/Jerusalem with long experience working with the legal and health sectors in the OPTs. The coordinator is a native Jerusalemite with a high reputation, demonstrated competence as a project director with wide knowledge of the issues and ability to negotiate delicate situations with bilingual ability in Arabic and English. The project coordinator will be joined by an energetic and well-organized program assistant, whose tasks will include much of the coordination of the logistical aspects of the Public Law Project.

The DDI staff at AMIDEAST headquarters has considerable experience in working with legal and related nongovernmental organizations in the Arab world, including the West Bank and Gaza Strip. DDI's director, in particular, has developed many useful contacts in these sectors over more than a decade of professional work with local organizations. The DDI staff will carry out the various back-stopping activities required by this project. These include providing contacts in the legal sector and generally coordinating the program with the AMIDEAST/Jerusalem country director. In addition, DDI will identify appropriate U.S.-based and regional scholars/experts to travel to the West Bank and Gaza Strip. The DDI director will travel to the region to assist in the project start up and initial consultations.

VI. REPORTING AND ASSESSMENT

AMIDEAST will conduct a review and assessment of the project activities at the end of the Public Law Project, or as needed by AID. Such assessment will provide practical recommendations for potential follow-on activities based on the technical workshop reports, as well as in the light of local developments. These recommendations would take into account the best available advice regarding the nature, subjects and possible participants in more long-term legal and judicial training, as well as the most appropriate legal and judicial institution-strengthening activities to enhance democratic governance for the interim and long-range stages of the Palestinian autonomy process.

AMIDEAST (Jerusalem and Washington) will also be prepared to report to AID on a periodic basis throughout the course of the Public Law Project.

VII. IMPACT

The Public Law Project is anticipated to result in an enhanced context for crucially important discourse in the legal and judicial sectors on the emerging legal regime in the West Bank and Gaza Strip. The structured discussions and consultations proposed in this project are designed to involve the members of these sectors—augmented by reciprocal exchanges with the concerned public and specialized NGOs—in clarifying sector redevelopment priorities. The outside scholars/experts will bring additional expertise to compensate in related areas. Public forums will initiate a channel of communication and consultation between the public and the legal practitioners, and the general population will have a chance thereby to

learn about the emerging legal system and their stake in it.

As a result of the Public Law Project, individuals and organizations in the legal and judicial sectors will become more articulate about the issues and priorities facing their sectors. This will serve current and future consultations among lawyers and judges, as well as the emerging authorities in all aspects of the law. (See Program Performance Indicators attached.)

Most directly, the Public Law Project outputs will serve as useful tools to assist future donors in designing appropriate interventions to advance the redevelopment of the legal and judicial sectors and, consequently, the rule of law in the West Bank and Gaza Strip. Ultimately, the integrated activities of this project will serve the democratic process in general across sectors and on many public affairs issues.

**Public Law Project
Implementation Schedule**

Project activity	Months								
	1	2	3	4	5	6			
Initial (legal) consultation	■								
Initial (NGO) consultation	■								
Technical workshop 1		■							
Technical workshop 2			■						
Technical workshop 3				■					
Technical workshop 4					■				
Technical workshop 5						■			
Technical workshop 6							■		
Technical workshop 7								■	
Technical workshop 8 "wrap-up"									■
Research 1			■	■	■				
Research 2			■	■	■				
Research 3				■	■	■			
Research 4					■	■	■		
Research 5						■	■	■	
Research 6							■	■	■
Expert visit 1			■						
Expert visit 2				■					
Expert visit 3					■				
Expert visit 4							■		
Public forums 1&2				■					
Public forums 3&4					■				
Public forums 5&6						■			
Public forums 7&8							■		
Reporting									■

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PROGRAM PERFORMANCE INDICATORS
for Proposal to Amend ANE-0159-G-SS-7050-00
to Include Research, Consultation and
Assessments toward the Redevelopment of Public Law

OBJECTIVE: To provide a suitable context for the West Bank and Gaza Strip legal and judicial sectors to determine their redevelopment needs, as well as initiate appropriate channels of communication and consultation with the public and the emerging leadership.

Impact Indicators

Narrative summary	Objectively verifiable indicators	Means of verification	Assumptions
◆ Provide legal practitioners the opportunity to consult on the legal and judicial sectors' redevelopment priorities.	Public Law Project prepares technical workshops.	Members of the legal and judicial sectors participate in project-sponsored technical workshops and public forums.	Lawyers and judges will discuss common issues.
◆ Lawyers, judges and related associations can assess sector strengths and weaknesses.	Project beneficiaries will clarify their thinking about the strengths and weaknesses of the sectors.	Sector research and final report contain sector assessments.	Organized discussion and research can help produce sector assessments.
◆ Project will enable participants to consider future inputs to develop the sectors.	Project beneficiaries will clarify their thinking about ways and means to (re)train individuals and strengthen institutions in their sectors.	Sector research, discussions and final report contain recommendations for future sector redevelopment inputs.	Organized discussion and research can help produce practical recommendations for future inputs.
◆ The legal sector establishes channels of communication with the concerned public on the emerging legal system.	The public will be better informed of the legal issues and how the emerging legal system will affect them. Legal practitioners will know what legal issues concern the public and what tasks lie ahead in building reciprocity with other sectors of society.	Reciprocal exchanges between the legal/judicial sectors and the public increase in quantity and quality.	The public is important to maintaining the legal system and the authority of law.
◆ The legal sector improves communication channels with the emerging Palestinian leadership on matters related to the emerging legal system.	The emerging leadership will be better informed of the legal issues at stake and how the emerging legal system relates to the redevelopment of all other sectors.	Jurists articulate their recommendations to the Legal (Technical) Committee and/or to the newly elected leadership in the form of the Palestine National Authority Council (government).	Emerging leadership can benefit from better communication with legal sectors.

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◆ The participants augment their knowledge and understanding of relevant legal and sector development issues.	Near term: Participants' recommendations for legal/judicial sector redevelopment will incorporate outside expertise and knowledge. Long term: Legal/judicial sectors will apply new information in their redevelopment activities.	Final report.	Participants will learn from the project activities.
◆ Organizations conducting sector research clarify their own special interests within the larger division of labor in the legal-sector rehabilitation process.	Jurists and legal organizations adhere to and enhance their professional specializations and/or develop new ones. More diversity in legal specializations emerges. Local skills and expertise improve.	Individuals and groups in the sector engage in new specializations or deepen current ones.	Members of the sector are interested to pursue and deepen professional specializations.
◆ Scholar/experts add new information to local discourse.	Comparative perspective emerges among jurists; lessons learned elsewhere are incorporated into local body of knowledge.	Experts' interventions and written contributions.	Participants can assimilate new information.
◆ Proceedings and findings of technical workshops are recorded and documented.	Interim drafts and final report.	Final Report.	The discussions can be produced as a documentary records.
◆ Proceedings and recommendations of public forums are recorded and documented.	Interim drafts and final report.	Final Report.	The discussions can be produced as a documentary records.
◆ Build up support in legal/judicial sector for further work.	Practical collaboration and sector redevelopment activities increase throughout affected sectors.	Organizations and individuals in legal/judicial sector undertake new training, research and consult further with public and leadership.	More work will be needed to redevelop legal and judicial sectors.
◆ Sector research studies produce new analysis and findings.	Sector research finding used in discussions in technical workshops and public forums.	Recommendations and final report refer to research findings.	Research results will be new and relevant.
◆ AID is better apprised of future legal sector projects. Final report advises on future project ideas.	AID will enhance its own body of local knowledge of the legal/judicial sector needs.	AID considers jurists' priorities and recommendations in future inputs.	AID staff will assimilate new information from project outputs.

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