



USAID
FROM THE AMERICAN PEOPLE

STRENGTHENING THE ACCOUNTABILITY AND TRANSPARENCY OF THE LEGISLATIVE PROCESS IN THE WEST BANK/GAZA (BAYAN)

PROJECT FINAL REPORT

CONTRACT NO. DFD-I-00-04-00129-00

September 2008

This publication was produced for review by the United States Agency for International Development. It was prepared by Development Alternatives, Inc.

STRENGTHENING THE ACCOUNTABILITY AND TRANSPARENCY OF THE LEGISLATIVE PROCESS IN THE WEST BANK/GAZA (BAYAN)

PROJECT FINAL REPORT

CONTRACT NO. DFD-I-00-04-00129-00

DISCLAIMER

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

CONTENTS

ABBREVIATIONS.....	1
EXECUTIVE SUMMARY.....	2
OVERALL PROJECT CONTEXT	4
Organization.....	4
Suspension	4
The Two Phases of the BAYAN Project.....	5
RESULTS OBTAINED DURING THE LIFE OF THE PROJECT.....	7
KEY OVERALL RESULTS ACHIEVED DURING THE LIFE OF THE PROJECT	8
ACTIVITIES AND ACCOMPLISHMENTS DURING THE LIFE OF THE PROJECT	8
Overall Activities.....	8
Legislative Performance Monitoring and Evaluation (Oversight and Advocacy)	9
Strengthening Skills in Review and Drafting of Government Legislation.....	10
Grants	10
Results Monitoring.....	10
OVERVIEW OF ACCOMPLISHMENTS	11
BAYAN Strategic Meetings with Partner CSOs	11
Legislative Oversight Training in West Bank and Gaza....	11
CSO Partners Legislative Oversight Coaching and Guiding.....	12
BAYAN Internal Systematic Monitoring of Legislative Performance.....	12
Regulatory Impact Assessment Training for CSOs.....	13
Legislative Policy Development and Drafting Training for the IoL	13
Legislative Policy Development and Drafting Training for PA Legal Staff	14
Budget Analysis: Tool Development and Training	15
Regulatory Impact Assessment Training for PA Legal Staff.....	15
Information Dissemination Training	17
Legislative Oversight and Advocacy Training in West Bank and Gaza	17

Small-Grants Program for Local NGOs to Strengthen the Legislative Process: First solicitation	17
Small-Grants Program for Local NGOs to Strengthen the Legislative Process: Second solicitation	19

ANALYSIS/LESSONS LEARNED21

Importance of Programmatic Vision and Flexibility, as well as Collaboration with the Donor	21
Viability of a Palestinian Legislative Development Unit (PLDU)	21
Critical Nature of Civil Society Involvement in Palestine’s Policy-Making and Legislative Processes	22
Usefulness of Coordination with Other Donor Projects...	22

IV. SUCCESS STORIES23

MAKING POLICY DECISIONS WORK: PALESTINIAN CIVIL SOCIETY PICKS UP REGULATORY IMPACT ASSESSMENT TOOL	23
WOMEN IN MARGINALIZED AREAS OF GAZA ARE GETTING INFORMED AND INVOLVED IN PALESTINIAN LEGISLATIVE PROCESS	24
MONITORING LEGISLATIVE PERFORMANCE IN THE FACE OF ADVERSITY: BAYAN CSO PARTNERS COMPLETE TRAINING AND ACCEPT THE CHALLENGE	25
BAYAN PROJECT GIVES A VOICE TO COMMUNITY-BASED ORGANIZATIONS.....	27

ANNEX 1: PROJECT STAFF29

ABBREVIATIONS

ATC	Anti-Terrorism Certification
BAYAN	Strengthening the Accountability and Transparency of the Legislative Process in West Bank/Gaza Project; Arabic word meaning “explicitly”
CBO	Community-Based Organization
CFI	Civic Forum Institute
CSO	Civil Society Organization
CTO	Cognizant Technical Officer
IoL	Institute of Law, Birzeit University
GIS	Geographic Information Systems
LDU	Legislative Development Unit
MAS	Palestine Economic Policy Research Institute
NGO	Nongovernmental Organization
OECD	Organisation for Economic Co-operation and Development
PMP	Performance Monitoring Plan
PA	Palestinian Authority
PCHD	Palestinian Commission for Human Development
PLC	Palestinian Legislative Council
PLDU	Palestinian Legislative Development Unit
PLS	Palestine Legislative Strengthening project
PCDCR	Palestinian Center for Democracy and Conflict Resolution
RIA	Regulatory Impact Assessment
SOW	Scope of Work
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

On September 30, 2005, DAI was awarded contract DFD-I-00-04-00129-00 TO 02 for the Palestine Legislative Strengthening (PLS) project, intended to strengthen capacities of the Palestinian Legislative Council (PLC) and related nongovernmental actors. DAI immediately began conducting a series of consultative meetings with the U.S. Agency for International Development (USAID), secular members and staff of the PLC, the Executive Authority, key Palestinian civil society organizations (CSOs), and other donors to prepare for a new member orientation. But the unexpected results of the legislative elections of January 25, 2006, which gave a majority of the PLC seats to Hamas, presented serious challenges to all USAID projects in the West Bank and Gaza, and the PLS project was no exception. The election resulted in Hamas winning 74 seats, while for the first time in its history Fatah was forced to be in the opposition after winning only 45 seats. The rest of the seats were won by smaller leftist blocs, including the Popular Front for the Liberation of Palestine (PFLP), with three seats; the Democratic Front for the Liberation of Palestine (DFLP) and the Popular Party (PP), with two; Third Way, two; Independent Palestine, two; and independents, four. As a result of the elections, on April 26, 2006, DAI received an official notice from USAID to suspend work until further notice. It was five months later, on September 18, 2006, that DAI received a letter from USAID by which the suspension was lifted and project objectives were redefined, in agreement with Cognizant Technical Officer (CTO), to strengthen the accountability and transparency of the legislative process, reinforce the broader legislative community, and provide a small-grants program for local nongovernmental organizations (NGOs) to strengthen the legislative process.

During the two-phase life of the BAYAN project, two work plans were designed and approved by USAID. Under the work plans, a number of carefully designed, needs-oriented training workshops, on topics including regulatory impact assessment (RIA), legislative drafting (LD), legislative advocacy and oversight, information dissemination, and budget analysis, were implemented. They drew key staff representing dozens of CSOs and public sector legal professionals representing Palestinian Authority (PA) ministries and independent institutions. The overall objective was to strengthen the PA's and CSOs' ability to research, analyze, draft, and implement effective legislation and to support civil society's efforts to participate in the legislative process and hold governmental institutions accountable for their performance.

The training workshops came at a very critical political juncture and responded to emerging needs within the community. Key CSOs in the West Bank and Gaza gained the skills and knowledge needed to monitor performance of the Parliament and government and hold decision makers accountable for meeting citizens' needs. Key support was also geared to help public sector legal staff, through advanced RIA and legislative drafting trainings, gain new skills to effectively and efficiently implement the government legislative agenda while achieving policy aims, with a minimum burden on stakeholders. Throughout the RIA and LD trainings, extensive work was done on a priority list of bills of high interest to the government. The wider legislative community and public sector legal staff attending the trainings, who were also very much involved in implementing the government legislative agenda, became in a better position to assess the impact of law and policies and to draft new bills or amendments to bills, such as modifications to the Child Law, the Judicial Authority Law, and the Charities and NGOs Law.

Shadi Ayyad, the head of the legislative drafting unit at the President's office, said:

“The timing of this exercise is very much critical for me, as my supervisors, including the legal advisor for the President, asked me to re-visit the Judicial Authority Law and the amendments to it that have been proposed by a number of stakeholders and to try to provide a comprehensive assessment and feedback on how we can best amend the law. The discussion with Dr. Lorna Seitz was very helpful.”

Parallel to the capacity-building component, the BAYAN project provided financial support, through its small-grants scheme, for a number of CSOs in the West Bank and Gaza to implement critical projects. Significantly, the 10 grants awarded under BAYAN helped in further strengthening CSOs' role and raising the awareness of hundreds of citizens and grassroots organizations in the West Bank and Gaza on the role of the Parliament and government and necessary tools and mechanisms to leverage public policy. Grants also helped establish more effective linkages and alliances between CSOs and community-based organizations (CBOs) and create voluntary grassroots oversight committees. In addition, the BAYAN project helped in the production of the first-ever parliamentary index in Palestine and the Middle East. The index report provided critical indicators for CSOs, academics, and policy makers on how the work of parliaments can be better boosted. Overall, the small grants provided the opportunity for CSOs and government to promote mutual partnerships and allowed CSOs to engage effectively in the public policy process.

The project encountered the following challenges:

- The PLC remained inactive for the majority of the life of the project. Between March 2006 and September 2007, a quorum was reached only on a very few occasions. Since the PLC became inactive, the PA has been unilaterally developing policies and laws and ruling by decree. The PA has established a joint ministerial-level commission with some CSO involvement to develop and implement a comprehensive legislative agenda, which was approved by the Cabinet.
- The U.S. Government-mandated “no contact” policy and the required Anti-Terrorism Certificates, as well as vetting requirements, made it more difficult for the project to operate by limiting access to information from PLC staff and members, and limiting the pool of possible partners to those willing to be vetted. These policies will also severely and negatively impact partner CSOs' ability to influence the policy-making processes.
- The role of civil society in public life continues to be seen as indispensable and could ensure some stability in the overall political system, especially in light of the persisting conflict between Fatah and Hamas and the lack of a functioning legislative body. A greater role for civil society in Gaza is even more critical.
- The security situation in Gaza, the severe hardship and the confrontation between Fatah and Hamas represented a serious challenge for BAYAN and other donor-funded projects. In light of this, BAYAN's role continued to be critical to give a voice to Gaza-based CSOs. In light of USAID instructions, BAYAN maintained a low profile in its work in Gaza while ensuring that its programs and activities responded to CSOs needs.

OVERALL PROJECT CONTEXT

ORGANIZATION

Over its 34 months of existence, the BAYAN project evolved adapted and into a highly effective and well-regarded project that had the strategic vision and flexibility to respond to the ever-changing political landscape. The full-time staff members—highly skilled Palestinian professionals and one U.S. legislative strengthening specialist—were matched with international consultants in the fields of legislative research and drafting and RIA, and Palestinian experts in oversight and advocacy skills, budget analysis, RIA, and the dissemination of legislative information. Some of the Palestinian experts were identified when they were first participants in BAYAN trainings. In addition, BAYAN's Gaza Manager and Civil Society Policy Specialist managed a small grants portfolio with limited funds that built the capacity of well-respected Palestinian CSOs at the national and grassroots level to participate and monitor the legislative process.

During its tenure, the BAYAN project enjoyed exceptional support from Palestinian CSOs and the Birzeit University Institute of Law (IoL). During the last six months of the project (when assistance to PA technical staff was approved by USAID), it also received support from a number of key ministries, the Cabinet Office, and the Office of the President.

SUSPENSION

Directly following the January 25 vote, the project shifted most of its resources to establishing contacts with community leaders and CSOs and providing USAID with timely analysis concerning options to make the project relevant despite the newly created political situation.

Starting in March 2006, USAID issued new policies and regulations that forbade tasks directly supporting the PLC. The “Updated Anti-Terrorism Procedures” and the new “Contact Policy for the Palestinian Authority” made it illegal for any implementer of USAID assistance to deal with or provide assistance to any person or entity on U.S. Government terrorist lists. For this reason, the project could no longer work with any PLC members affiliated with any of these organizations. In the case of the new PLC, this prohibition included the majority of its members.

In addition, on April 26, 2006, DAI received a formal notice of “intent to suspend/stop work” until further notice. This notice blocked the project from implementing any new or ongoing activity until USAID issued further instructions. DAI staff remained in-country working within the new limitations, preparing for receipt of the relief-of-suspension notice. The Chief of Party and other senior team members continued to engage USAID at the policy level to ensure that the redesign and new direction of the project adequately responded to the changing circumstances on the ground, while being sensitive to the foreign and national security interests of the U.S. Government.

As noted earlier, on September 18, 2006, as a result of continued USAID efforts, DAI received a letter from the Contracting Officer indicating USAID's decision to redirect the project and include the following three tasks (out of the six in the original task order), the details of which were to be agreed upon by DAI and the CTO:

Task 3: Strengthen the accountability and transparency in the legislative process.

Task 4: Strengthen the broader legislative community, including NGOs and independent and moderate voices within the legislative community.

Task 6: Implement a small-grants program for local NGOs to strengthen the legislative process.

At the same time, the Contracting Officer requested that the remaining three tasks in the original task order (1, 2, and 5) not be implemented at this stage. The BAYAN team immediately prepared a new work plan for CTO review, taking into account the revised project focus. It was also at this time that the project's name was changed to BAYAN, an Arabic word meaning "explicitly."

THE TWO PHASES OF THE BAYAN PROJECT

Phase 1: On December 11, 2006, USAID approved the project's first annual work plan, covering the period November 1, 2006, to July 30, 2007. To this end, the team conducted two strategic meetings with 41 partners from 29 Gaza and West Bank CSOs. These meetings were successful in officially launching the project by introducing it to key actors from civil society, academia, and other respected organizations.

Soon after, the team designed and organized three successful capacity-strengthening programs in legislative oversight, legislative advocacy, and RIA, benefiting 49 key staff members from 18 partner CSOs from Gaza and West Bank. Later, from April to June 2007, the team successfully organized two capacity-strengthening programs in RIA and legislative policy development and drafting, benefiting 14 key staff members from nine partner CSOs from Gaza and West Bank. These capacity-strengthening workshops were very successful in terms of knowledge and skills acquired by the participants, as reported through participant feedback. Furthermore, these workshops were a good opportunity for the BAYAN team to validate the needs expressed by the partner CSOs while preparing the work plan for the project and to identify new needs to be addressed in the following year.

The team also managed its capacity-strengthening and grants programs and provided technical assistance to strengthen the capacity of key Palestinian civil society institutions to monitor and participate in the policy making process. In addition, the team continued to provide USAID with timely updates and analysis of key issues related to legislative processes.

Phase 2: in June 2007, Hamas took control of the Gaza Strip after a nine-day battle with Fatah forces. Palestinian President Mahmoud Abbas dissolved the unity government and declared a state of emergency, dismissing Prime Minister Ismail Haniyeh. As a result, the United States normalized ties with the PA and BAYAN was able to re-engage Ministry staff on a limited basis.

The team conducted intensive internal discussion and consultations with USAID and expected partners to develop the second work plan. The work plan, approved on November 7, 2007, was designed to strengthen the PA's ability to research, analyze, draft, and implement effective legislation and support civil society's efforts to participate in the legislative process and hold governmental institutions accountable for their performance. The redesigned activities took advantage of the emerging opportunities to support the PA's National Legislative Agenda Planning Commission.

The project continued to conduct training in RIA, budget, information dissemination, and legislative drafting, but participant lists now included legal staff representing various

ministries. Upon USAID approval, six small grant agreements were also signed with Palestinian CSOs from the West Bank and Gaza. Among other objectives, the grants provided the opportunity for CSOs and government to promote mutual partnerships and allowed CSOs to engage effectively in public policy process. One special grant strengthened the capacity of newly elected government local councils in the West Bank.

As BAYAN began to reach the limits of its obligated funding in May 2008, the project presented an option-year concept paper to USAID proposing a number of key interventions and activities in support of the Palestinian National Legislative Agenda. When the additional funding was not approved, BAYAN completed close-down activities on July 15, 2008.

RESULTS OBTAINED DURING THE LIFE OF THE PROJECT

Table 1: Training organized by the BAYAN Project

Technical assistance provided by BAYAN	Performance Indicators									
	# of training hours / (grants) provided		Number of CSOs/ PA staff/media firms receiving training (grants)		Number of trainees		Trainees distribution by gender		Trainees (grants) distribution by region	
	Planned	Actual	Planned	Actual	Planned	Actual	Male	Female	WB	GS
Legislative oversight & advocacy training	up to 240	162	24	20 CSOs	60–80	71	42	29	35	36
Budget analysis training	Up to 60	48	7 (4 CSOs + 3 PA)	11 (9 CSOs + 2 PA)	15–20	26	17	9	13	13
Expanded & informed media coverage of legislative process	up to 18	12	(7 CSOs + 13 Media firms)	(7 CSOs + 8 Media firms)	up to 20	21	16	4	21	0
RIA training, Phase 1 and 2 (CSOs and IoL)	up to 60	54	3	9 CSOs	up to 10	24	18	6	24	0
RIA training, Phase 1 and 2 (CSOs and PA)	up to 60	54	19	11 (5 CSOs + 6 PA)	Up to 20	15	6	8	15	0
Legislative drafting training, Phase 1 (IOL)	up to 60	24	1	1 CSO	up to 10	7	5	2	7	0
Legislative drafting training, Phase 1 and 2 (PA and CSOs)	Up to 54	54	Up to 10	11 (10 PA and 1 CSO)	Up to 20	26	9	15	26	0
Grants awarded	–	–	up to 6	10	–	–	–	–	7	3

KEY OVERALL RESULTS ACHIEVED DURING THE LIFE OF THE PROJECT

- 190 individuals were trained, as presented in the table above.
- Solid professional connections were created with civil society and public sector through consistent participatory work planning with stakeholders and demand-driven assistance.
- The LD training resulted in a series of well-thought-out proposed amendments to the Child Law, the Charitable Societies Law, the Judicial Authority Law, and other laws of interest to the legal community.
- Participants had improved understanding of the impact of a given drafting approach on the form and probable outcomes of the resultant bill, and better knowledge of strategies for increasing the likelihood that a governmental program will evolve in response to a community's changing needs and resources.
- Public sector legal advisors report implementing new research methodologies and RIA techniques on their legislative projects.
- The RIA training course has resulted in growing discussions among the public sector legal departments, the Birzeit University Institute of Law (IoL) and civil society organizations (CSOs) on importance of institutionalizing RIA as a tool in law-making processes
- Local RIA training capacity was developed, and Palestinian RIA trainers were deployed in the region.
- An RIA manual was drafted in Arabic and distributed to 15 organizations and 40 individuals in the wider legislative community.
- Over 400 citizens—youth, women, members of community-based organizations (CBOs), representatives of key CSOs, and newly elected members of local government councils were involved and their skills and knowledge on issues related to advocacy, oversight, information dissemination, budget analysis, and the role of Parliament and government were developed through training.
- Two RIA trainings for members of PA Ministries and the Office of the President were conducted. During these trainings, participants together with the trainer provided support in drafting an RIA for the Office of the President concerning the Early Retirement for Security Personnel Law.

ACTIVITIES AND ACCOMPLISHMENTS DURING THE LIFE OF THE PROJECT

OVERALL ACTIVITIES

- Completed all start-up activities (hiring and training of most staff; selection and renovation of office space; ordering of computers, furniture, and vehicles) in both Ramallah and Gaza offices.
- Established credible and professional relationships with selected newly elected secular members of the PLC and key leaders of active CSOs in accordance with USAID guidelines;

- Provided USAID with timely and critical updates on major events related to the PLC and government.
- Submitted issues paper to USAID with program options for responding to the new political and diplomatic environment.
- Finalized and received USAID's approval of the project's first annual work plan.
- Evaluated the performance of the PLC during its first 100 days and submitted the written assessment to USAID.
- Completed the Legislative Mapping Study in both English and Arabic, and submitted copies of this study to USAID. This study was used as a tool in oversight and advocacy trainings.
- Conducted an assessment of the needs of journalists in covering the legislative area, and submitted a report to USAID.
- Completed and submitted to USAID a feasibility assessment of the establishment of a Palestinian legislative development unit (PLDU).
- Analyzed four draft laws—Elections Law, Shari'a Law, Judiciary Law, and Personal Status Law—from a democracy and governance perspective, and submitted two legislative bill analysis briefs to USAID.
- Prepared the project's first- and second-year work plans and had them approved by USAID.
- Received USAID approval of the CSO partners who were to benefit from its technical assistance, training, and coaching program.
- Organized two one-day strategic and needs assessment meetings with Palestinian CSO leaders from the West Bank and Gaza.
- Prepared SOWs, grant solicitations, and lists of potential partner NGOs to speed implementation upon USAID approval of Year 2 work plan.
- Submitted concept paper to USAID proposing BAYAN Year 2 program activities and an addendum following the state of emergency and paralysis of the PLC.

LEGISLATIVE PERFORMANCE MONITORING AND EVALUATION (OVERSIGHT AND ADVOCACY)

- Conducted four legislative oversight and two legislative advocacy training programs during Phase 1 (December 2006–January 2007), including two each in the West Bank and Gaza. These programs targeted partner CSOs and involved a total of 71 trainees.
- Conducted two training programs, one in January 2008 (West Bank) and one in March 2008 (Gaza), to develop the capabilities of CSOs and of select PA Ministry technical staff for public budget analysis. A total number of 26 staff members benefited from these two trainings.
- During May–June 2008, conducted two legislative oversight and advocacy skills trainings (one each in West Bank and Gaza) involving 22 CSO staff members.

- Made focused efforts guiding, coaching, and providing other technical assistance to CSO partners during grant proposals development. The aim was to help CSOs better design and implement oversight-related activities with support from BAYAN while using knowledge and skills acquired during training workshops.
- During April 2008, conducted a training program to build the capacity and skills of partner CSOs and media outlets in the West Bank to disseminate quality information and enhance media coverage of the legislative and policymaking processes in Palestine. Overall, 21 participants took part.

STRENGTHENING SKILLS IN REVIEW AND DRAFTING OF GOVERNMENT LEGISLATION

- Conducted training and consultations in legislative policy development and drafting during January and June 2008 with 26 members of PA ministries and the Office of the President. Provided key support in drafting three PA priority bills (Child Bill, Judicial Authority, and Charities and NGOs).
- Prepared and distributed RIA drafting manual in Arabic and English to 30 PA and IoL technical staff and also to 15 key CSO partners.
- During February and May 2008, conducted two RIA trainings for 15 members of PA ministries and the Office of the President. Provided support in drafting RIA for Office of the President (Early Retirement for Security Personnel).
- During June 2007, conducted legislative policy development and drafting training and consultations with seven staff members from the IoL.
- During March and June 2007, conducted regulatory impact assessment training and consultations with 24 staff from the IoL and leading Palestinian CSOs.

GRANTS

- Finalized the *BAYAN Grants Manual* and obtained approval from USAID.
- Drafted and, with USAID approval, issued two grant solicitations to vetted local CSOs to support oversight and advocacy efforts.
- Developed and, with USAID approval, issued a special grant solicitation to provide advocacy training to local government councils and CBOs.
- Monitored and finalized the implementation of 10 sub-grants with partner CSOs in West Bank and Gaza Strip.
- Guided implementation of sub-grant tasks and ensured that the sub-grantees were coordinating and partnering with one another where appropriate.

RESULTS MONITORING

- Developed Performance Monitoring Plan (PMP) that was consistent with and contributed directly to USAID's own performance monitoring needs. PMP and GIS indicators were approved by USAID.

- Collected and entered data required for PMP and GIS indicators for Years 1 and 2 into PMP and GIS systems.
- Prepared and submitted quarterly progress reports to USAID delineating progress made, obstacles faced, and proposed solutions for addressing these obstacles.

OVERVIEW OF ACCOMPLISHMENTS

BAYAN STRATEGIC MEETINGS WITH PARTNER CSOS

November 2006

In early November 2006, and in accordance with its conditionally approved work plan, the BAYAN team successfully organized two one-day strategic meetings with 41 Palestinian CSO leaders representing 17 CSOs from the West Bank and 12 CSOs based in Gaza. The feedback received during these meetings was instrumental in focusing the technical assistance BAYAN intended to provide to its partner CSOs. For example, most participants indicated their interest in understanding the national budgeting process and how they could influence it, as well as monitoring the disbursement of public revenues. Building on the findings of these meetings, the BAYAN team formalized with the CSO partners their capacity building needs and priorities related to their monitoring and oversight roles.

LEGISLATIVE OVERSIGHT TRAINING IN WEST BANK AND GAZA STRIP

December 2006; January 2007

West Bank. In early December, BAYAN developed a scope of work and received USAID approval to contract with Mr. Art Sauer to lead the legislative oversight training program in the West Bank, with assistance from the entire BAYAN team. The consultant and BAYAN team successfully implemented the first round of four-day oversight training in the West Bank, attended by 12 participants representing eight West Bank-based CSOs. During the four-day training period, participants were exposed to practical skills necessary to fulfill their legislative oversight role. In particular, participants were trained to use various tools and best practices for overseeing and rating the performance of the PLC, including how to use the budget to oversee both the PLC and the executive. Furthermore, a special one-day session focused on helping CSOs to develop and implement comprehensive oversight strategies that are appropriate for their sectoral interest and local context. Many of the CSOs taking part in this training course were able to use the knowledge they gained to develop project concept papers to be funded by BAYAN. For instance, Civic Forum Institute (CFI) received a grant from BAYAN worth of \$30,730 to create local oversight committees and train members on oversight techniques and best strategies. In implementing this grant, CFI used BAYAN training modules and knowledge gained during the training. Another CSO, Filistinyat, received a grant from BAYAN to implement the parliamentary index. Filistinyat likewise used the techniques acquired during the training to better collect needed data, gain better access to information, use media effectively, and create linkages with other CSOs.

Gaza Strip. In the second week of January, a local consultant, Iyad Krunz, together with BAYAN's Gaza manager, Nael Younis, successfully implemented a four-day oversight training for Gaza-based CSOs. Eleven participants, representing five Gaza-based CSOs, attended the training. The training focused on how CSOs can oversee and report on the work of the PLC in accordance with its mandate, the Basic Law, and international best practices so that they could contribute to a more systematic and robust oversight role over

the legislative process. Participants gained the practical skills needed to monitor the legislative and budget processes; to advocate for their concerns; to keep constituents better informed of the performance of their elected officials; to promote institutional reforms to overcome barriers to CSO participation in and oversight of the legislative process; to cooperate effectively with other CSOs; and to form networks or coalitions where it makes strategic sense. A special one-day session focused on helping CSOs develop and implement comprehensive oversight strategies that are appropriate for their sector-specific interests and local context. Two key organizations that took part in the training were able to design and implement two grants to strengthen public participation in overseeing the PLC. It was obvious from the implementation of the two grants that the two CSOs transformed the knowledge gained during the training into concrete actions.

CSO PARTNERS LEGISLATIVE OVERSIGHT COACHING AND GUIDING

February–June 2007

The BAYAN team continued to help its partner CSOs develop their skills to oversee, analyze, and report on the legislative process. This period also saw focused efforts by the BAYAN team in guiding, coaching, and providing other technical assistance to the four sub-grantee partners to implement grant tasks and subtasks related to legislative oversight. The BAYAN team conducted 20 meetings in both the Gaza Strip and the West Bank with four sub-grant recipients. These meetings were designed to aid the four partners to develop and implement adequate oversight tools and strategies in their oversight-driven programs. For example, the team helped the Palestinian Commission for Human Development (PCHD) to develop the oversight matrix (proposed in their action plan) as a tool for monitoring PLC performance and comparing it with PLC blocs' electoral platforms and actual expressed citizen agendas. PCHD held dozens of workshops to raise public awareness on the importance of monitoring the PLC's work—and the most effective mechanisms for doing so—using the oversight matrix they had developed with BAYAN help. Other examples of BAYAN interventions include mentoring the Palestinian Center for Democracy and Conflict Resolution (PCDCR) and Civic Forum Institute (CFI) in implementing training programs on legislative advocacy and oversight, which targeted more than 150 participants representing CSO partner organizations and other CBOs. This included helping PCDCR and CFI develop and review the training materials and outline for the course and coaching the trainers who delivered it. The BAYAN team also gave support to CFI to ensure that the work and the mandates of the local oversight committees established under the sub-grant were clearly identified.

BAYAN INTERNAL SYSTEMATIC MONITORING OF LEGISLATIVE PERFORMANCE

Ongoing activity

Over the life of the project, the BAYAN team continued its internal systematic monitoring of legislative performance, including tracking legislative bill history and the preparation of daily PLC update for submission to USAID. In addition, the BAYAN team prepared four information briefs about four draft laws: the Shari'a Judicial Law, Personal Status Law, the Judicial Authority Law, and the Elections Law. Such legislative briefs have been used to identify potential involvement of CSOs in undertaking oversight and advocacy initiatives. Following the Hamas takeover in Gaza and the resulting closure of the PLC, BAYAN has continued to monitor the policymaking process as it has developed within the PA.

REGULATORY IMPACT ASSESSMENT TRAINING FOR CSOS

March 2007; June 2007

The BAYAN project provided training on RIAs to 24 participants from nine CSOs, representing universities, civil society, and private sector organizations, on March 11–15, 2007 (Phase 1) and June 11–14, 2007 (Phase 2), in Ramallah. The training was intended to create a Palestinian capacity to design precise, targeted laws and regulations that achieve policy aims efficiently and effectively with a minimum burden on stakeholders. Phase 1 of the RIA training introduced the concept of RIA and equipped participants with the practical tools needed to draft pilot RIAs. Phase 2 continued to develop participants' understanding of RIA by developing and using RIA case studies.

Phase 1 of the RIA training concluded with the participants forming two diverse groups and choosing a current Palestinian policy issue—children's rights—for an RIA case study. Between the two training phases, the groups prepared and submitted their case studies to the RIA trainer and BAYAN senior staff for review. The completed case studies were used as the basis for the four-day RIA Phase 2 training. The follow-on training was designed to enable participants to develop RIAs with little guidance or support; understand how to use RIAs to draft, amend, or challenge proposed laws or policies; and impart their basic understanding of the RIA process to colleagues and members of other CSOs.

Phase 2 of the course was designed after assessing and collecting feedback on Phase 1. To work on the case studies, the Phase 2 training used a variety of innovative methods including lecturing, presentations, group and individual exercises, role-play exercises, and group discussions. These methods are detailed in the report. The results of the course evaluation were very positive. The participants felt that the objectives of the training course had been met and that they now fully understood RIA and were in a position to begin discussions within their organizations about implementing it. However, they believed that continued support from the BAYAN project would be required if they were to fully achieve the potential benefits of RIA. Following the course, the IoL began serious brainstorming on possibility of institutionalizing RIA as one of the services they provide.

LEGISLATIVE POLICY DEVELOPMENT AND DRAFTING TRAINING FOR THE IOL

June 2007

From June 25 to 28, 2007, BAYAN conducted a legislative policy development and drafting workshop for seven participants representing the IoL Legislative Support Program and the Birzeit University Department of Law and Public Administration. BAYAN had originally planned to offer the training to representatives of other Palestinian academic institutions, but had not yet received vetting approval. The training was delivered by Dr. Lorna Seitz, Director of Research and an expert in international training from Boston University's International Consortium for Law and Development. The training was designed to enable participants to evaluate the probable effectiveness of a legislative proposal; assess whether a proposal's technical provisions address the causes of problematic behavior; analyze the costs, benefits, and alternative solutions to a proposed law; and apply legislative drafting (LD) rules to improve precision and effectiveness of a legislative proposal.

Participant feedback from the training was very good, and the consensus among the participants was that follow-on training should go into further depth on the more technical aspects of LD that could not be covered in a four-day training. There was also a consensus that the pool of participants should be expanded to include more attendees from Birzeit and

from other academic institutions. There was great interest in adopting Dr. Seitz's method of teaching LD in courses taught at Birzeit and in developing similar training courses at the IoL.

LEGISLATIVE POLICY DEVELOPMENT AND DRAFTING TRAINING FOR PA LEGAL STAFF

January 2008; June 2008

BAYAN conducted Legislative Policy Development and Drafting training and consultations January 20–24 and June 9–12, 2008, in Ramallah. The 26 participants were lawyers drawn from the legal offices of the President's Office and Cabinet, various ministries, and one Palestinian CSO. During the week, the trainees broke into three groups to choose a pressing Palestinian social issue to tackle and began the process of developing a legislative research report as the basis for drafting effective legislation that meets policy objectives. The trainer, Dr. Lorna Seitz (see previous item), used a legislative problem-solving methodology that shows trainees how to identify the root causes of a social problem and to choose the types of legislative provisions that are logically suited for altering the causes of problematic behaviors. As one participant noted, "The most important advantage of the training is identifying and analyzing social problems so as to help in legislative drafting." Mr. Shadi Ayyad, Head of the President's legislation department, has informed BAYAN that he now uses the research methodology from the training when drafting all of his legislative projects.

Following the training BAYAN received the following email from Fayez Bikerat, Coordinator of the IoL's Legislative Support Department, "This is an official message, in behalf of my colleges in the legislative support unit in the institute of law- Birzeit University, to express appreciation for all of your efforts in regard to RIA and legislative drafting training courses. These courses were truly very useful to our unit, and in them we learned more—and more intensive—information concerning legislative issues. We hope to deliver our appreciation to the professional trainers, Faisal [the RIA trainer] and Lorna. In spite of the many courses we have attended before, it is not easy to find trainers like them..."

You know that we in the institute are working to establish a new diploma program teaching legislative drafting skills for lawyers, so we are looking to reinforce our academic relations with you by getting new training courses, including training of trainers, and keeping in touch with the practical issues related to what we learned in the courses."

Prior to Phase 2, BAYAN staff met with legal staff from the Ministries of Social Affairs and Justice and the Office of the President to identify priority legislation that would be the basis of the Phase 2 training/consultation. The legislation chosen included Chapters 8, 9, and 10 of the Child Law proposed by the Ministry of Social Affairs, Charitable Societies and NGOs Law proposed by the Ministry of Justice, and the Judicial Authority Law proposed by the President's Office. All three bills are priorities of the PA, and are complex and politically sensitive. Prior to the training, the bills were translated and shared, along with issues raised by the drafters, with the trainer, Dr. Lorna Seitz. Dr. Seitz met with representatives from each of the three institutions to discuss issues raised by their legislation and how to use the research and drafting methodology introduced in Phase 1 of the training to identify the root causes of the social problem and to choose legislative provisions that are logically suited for altering the causes of problematic behaviors. On the final day, Dr. Seitz met with all participants together to discuss common issues and solutions and to allow participants to critique proposed solutions offered by their peers.

The training resulted in a series of well-thought-out proposed amendments to the Child Law and Charitable Societies Law. It also improved participants' understanding of the impact of the drafting approach on the form and probable outcomes of a bill, and introduced them to strategies for increasing the likelihood that a governmental program will evolve in response to a community's changing needs and resources.

Shadi Ayyad, the head of the legislative drafting unit at the President's office, said:

"The timing of this exercise is very much critical for me, as my supervisors, including the legal advisor for the President, asked me to re-visit the Judicial Authority Law and the amendments to it that have been proposed by a number of stakeholders and to try to provide a comprehensive assessment and feedback on how we can best amend the law. The discussion with Dr. Lorna Seitz was very helpful."

BUDGET ANALYSIS: TOOL DEVELOPMENT AND TRAINING

January 2008; March 2008

The BAYAN team organized and conducted two training programs intended to develop the public budget analysis capabilities of Palestinian CSOs as well as select PA ministries in West Bank and Gaza Strip.

West Bank. The first training program was conducted in Ramallah, January 6–10, 2008. It targeted nine key CSO staff members representing four West Bank partner CSOs, as well as four key staff members from the Ministries of Social Affairs and National Economy. The course was delivered by a short-term local budget expert, Mr. Firas Zaghal. Mr. Zaghal used a budget analysis toolkit, user manual, and PowerPoint presentations he had developed as the basis for the training.

Gaza Strip. The second training program was conducted in Gaza City, March 16–19, 2008, and targeted 13 key staff members representing five partner CSOs from the Gaza Strip. The course was delivered by a short-term local budget expert, Mr. Shareef Kishawi, with direct support from BAYAN Gaza manager Mr. Nael Younis. The expert used the materials developed and used during the West Bank budget analysis training.

The two courses provided specialized, in-depth information and insights on public budget analysis to equip participants with the skills and tools necessary to oversee governmental performance by linking PA budget allocations and actual expenses to people's needs and priorities. Special emphasis was placed on equipping participants with skills and tools needed to analyze the PA budget and link it to PA ministry policies and CSO advocacy initiatives. Information was presented and participants were given exercises and case studies to provide them practical experience and to increase their skills. Throughout the two training programs, the BAYAN team received very positive feedback from participants emphasizing that the programs were useful in equipping participants with the necessary tools and skills in budget analysis.

REGULATORY IMPACT ASSESSMENT TRAINING FOR PA LEGAL STAFF

February 2008; May 2008

BAYAN held RIA training February 10–14 and May 18–21, 2008, in Ramallah for key participants representing the legal departments of the President's Office as well as the Ministries of Justice, Telecommunications, Labor, and Social Affairs and some civil society representatives. At the close of the training, Ms. Khuloud Abdel Khaleq, head of the Ministry

of Social Affairs' legal department, expressed the consensus on the class when she said that the RIA training changed her world and she could not return to drafting legislation in the old manner: "After I had the chance to learn and understand the importance of RIA in the context of bill development, it is clear to me now that the way we develop legislation under the current system suffers from serious shortcomings."

Through an interactive case study approach, participants learned to draft an RIA and understand the benefits of the RIA as both a document and a process allowing policy makers to design precise, targeted laws and regulations that achieve policy aims efficiently and effectively with a minimum regulatory burden and in an accountable and participatory way. Using RIA, the participants, many for the first time, were able to analyze the impact of a proposed law on related sectors and consider a full range of government interventions, evaluate their costs and benefits, and justify a chosen policy. In addition, civil society representatives were able to see the benefit of the RIA as a framework for CSOs to more effectively participate in the policy-making process and to hold their elected officials accountable for policy decisions. By the close of Phase 2 of the training, participants completed a pilot RIA case study.

An added benefit of the training was the interaction between the PA representatives and civil society. On the last day of training, one participant from the Office of the President requested assistance from the training course instructor and fellow participants in drafting a RIA for a real policy (Early Retirement for Security Service Personnel) that he was developing.

Here are some samples of participants' reflections stemming from the training:

- "Adoption of a practical method of analysis helps to understand the legislation better."
- "It provided us with the ability to make necessary observations and adopting correct legal forms."
- "It helped us towards collective thinking and better practical solutions."

In addition, BAYAN developed an *RIA Drafting Manual* that meets the unique needs of policy development in a Palestinian context. The manual was translated into Arabic and shared with the RIA training participants as well as with IoL staff who had participated in RIA training the previous year. Overall, the RIA manual was distributed to 30 legal advisors and staff working in the public sector, 10 IoL staff, and 15 CSOs.

The discussion among participants at the close of the training was not whether RIA is appropriate within the Palestinian context, but rather how the participants, USAID, and BAYAN could strategize and begin the process of institutionalizing RIAs into the Palestinian policy-making process. Participants from a number of ministries and the local trainer from the Palestine Economic Policy Research Institute (a Palestinian CSO), who had participated in the 2007 training, requested assistance for establishing RIA units within their institutions. The training course has also resulted in the development of local trainers in RIA—professionals who can train in Arabic and continue to build Palestinian capacity to draft effective policies. These local trainers have already conducted a United Nations Development Programme hosted RIA training in Bahrain in June 2008. Further, at two conferences sponsored by the Organization for Economic Co-operation and Development in Amman and Istanbul, the BAYAN training was highlighted as pioneering RIA in the Middle East and North Africa region.

INFORMATION DISSEMINATION TRAINING

April 2008

In a joint effort, BAYAN and USAID-funded Internews conducted a training program to build the capacity and skills of partner Palestinian CSOs and media outlets in the West Bank to disseminate quality information and enhance media coverage of the legislative and policy-making processes in Palestine. The training was conducted April 6 and 7, 2008, with 12 representatives from seven CSOs and nine journalists representing eight media outlets in the West Bank. The workshop was led by a local consultant, Ms. Wafa' Abdel Rahman, with direct assistance and supervision from BAYAN and ASWATONA technical teams (the latter is an Internews-sponsored program of assistance to Palestinian news broadcasters and stations). The main objective of the assignment was to strengthen the capacity of CSOs and media outlets to collect, analyze, and disseminate government information on the legislative and policy-making process.

LEGISLATIVE OVERSIGHT AND ADVOCACY TRAINING IN WEST BANK AND GAZA

May 2008; June 2008

Two legislative and public policy oversight and advocacy training workshops were conducted, one in the West Bank (May 25–29) and one in Gaza (June 1–3). Led by local consultants—Aref Jaffal in the West Bank and Iyad Krunz and 'Ala Ghalayini in Gaza—the trainings targeted 22 staff representing 11 CSOs in both areas. The workshops were designed to strengthen the capacity of CSOs to formulate, lead, and implement professional oversight and advocacy strategies that meet international standards. Topics presented were diverse. For example, participants studied ways to develop advocacy campaigns targeting specific issues (problems of youth, women, the unemployed, etc.), possibly linked to the PA's legislative agenda, along with suitable mechanisms for implementing these campaigns. Other topics included how to mobilize and engage the wider community and policy-makers at all levels; how to use media and other information resources, including results from the monitoring of efforts to carry out advocacy activities; and coalition- and alliance-building skills. The feedback from participants showed significant benefit, as all indicated that the topics discussed were relevant to their CSO work and that the skills acquired were needed to help them better design and implement advocacy- and oversight-related activities.

SMALL-GRANTS PROGRAM FOR LOCAL NGOS TO STRENGTHEN THE LEGISLATIVE PROCESS: FIRST SOLICITATION

January–June 2007

The project's grants-making component was designed to finance discrete results-oriented activities that support the role of Palestinian CSOs in bringing about transparent and accountable legislative processes. The first Call for Proposals (CFP) was prepared by the BAYAN team and approved by USAID during the third week of January 2007. It was sent to six partner CSOs—three from the West Bank and three from the Gaza Strip; as a result, six summary applications were received. Upon review by the BAYAN grants committee, five were found to be responsive to the CFP and recommended to USAID for full application development. USAID approved four of the five recommended applications. The BAYAN team worked closely with the four summary applicants to ensure they completed and submitted responsive ideas.

On March 8, 2007, BAYAN submitted the four full technical and financial applications, together with summary information, for approval by USAID, which endorsed them on May 1. The BAYAN team worked with the four CSOs from West Bank and the Gaza Strip to make necessary and final modifications to their grants and signed the four grants during the month of May. The approved grants supported legislative oversight, information dissemination, and/or legislative advocacy programs.

The BAYAN team provided regular support and guidance to the four partners to ensure their programs were implemented in accordance with the agreed contractual obligations and USAID policies and regulations. Also, the BAYAN team continued to encourage partner organizations involved in legislative oversight and advocacy initiatives to network and to use resources and comparative expertise among themselves. Three of the grants commenced activities on May 3, while the fourth started at end of May.

Grant synopsis:

- **Raise Your Voice** was a three- month, \$21,985 grant that was awarded to the Gaza-based Palestinian Commission for Human Development (PCHD). Its overall purpose was to promote active public participation in overseeing the performance of the members of the PLC and advocating for a more accountable and transparent legislative process that responds to citizens' agendas and needs throughout the Gaza Strip in coordination with the other BAYAN partners. The project helped the local community and CBOs become more systematically and objectively engaged in monitoring the PLC's performance, providing the partner CBOs with the necessary capacity strengthening and tools needed to conduct such oversight. The project also identified the social and economic needs of the local communities and worked with the local CBOs to advocate for greater responsiveness on the part of the PLC to these needs and priorities.
- **Face the Legislature** was a three- month, \$28,865 grant awarded to the Gaza-based Palestinian Center for Democracy and Conflict Resolution (PCDCR). This project was aimed at building active, transparent, and accountable legislative process by promoting greater participation of Palestinian civil society and CBOs in overseeing the PLC's performance. The project has shed light on critical public issues, such as the economic situation, unemployment, lawlessness, and the paralysis facing the PLC. It worked to motivate CSOs and CBOs to take part in an advocacy campaign to pressure the PLC to enact substantive legislation and public policies that address these issues.
- **The PLC Oversight: Local Committees for Transparency** was a three-month, \$30,730 grant awarded to the Ramallah-based Civic Forum Institute (CFI). The project was designed to enhance the capacity and role of CSOs in the West Bank in overseeing the PLC's performance, by fostering legislative transparency by disseminating information on the PLC's conduct and the legislative process among Palestinian civil society. The project allowed, for the first time in Palestine, the creation of grassroots and voluntary oversight entities with a mandate to monitor performance of PLC and government. Seventy-five members of the five oversight committees scattered all over the West Bank area were trained and became very much engaged in setting the foundation for mobilizing their local communities and raising their awareness on importance of influencing public policy.
- **The Right of People to Know: PLC Effectiveness Index 2006 as an Oversight Tool** was a three- month, \$22,691 grant awarded to the Ramallah-based CSO, Filistinyat. The project's goal was to implement the PLC Effectiveness Index as a monitoring and oversight tool and foster a more objective debate and discussion among CSOs about the

performance of the current PLC. The index is composed of 52 indicators developed by Filistinyat with funding from the USAID civil society and democracy strengthening project. This is the first time ever in Palestine and the Middle East that such a parliamentary index has been developed. The index report provided critical indicators for CSOs, academics, and policy makers pointing to ways of boosting the work of parliament.

SMALL-GRANTS PROGRAM FOR LOCAL NGOS TO STRENGTHEN THE LEGISLATIVE PROCESS: SECOND SOLICITATION

October 2007–June 2008

In October 2007, the BAYAN project developed and submitted a new solicitation designed to support civil society public discourse, advocacy, and/or oversight activities to USAID for approval, together with a list of six West Bank and Gaza vetted CSOs as potential grant recipients. In December, USAID approved the solicitation and list of CSOs, and BAYAN sent the solicitation to five vetted CSOs: three in Gaza and two in the West Bank. BAYAN also held a workshop with partner CSOs to further explain the solicitation and respond to CSO questions. In an effort to widen the pool of potential sub-grantees, BAYAN re-issued the subgrant solicitation in January after receiving a number of vetting approvals from the Mission. BAYAN received and reviewed summary applications from 11 vetted West Bank and Gaza CSOs, many of them newly vetted. On January 28, 2008, BAYAN submitted a summary application matrix to the Mission recommending seven of the CSO applications for approval. Based on approval from USAID, the BAYAN team worked closely with and mentored six CSOs from West Bank and Gaza to develop their approved concept papers into full applications.

Also, as requested by USAID, in mid-December the BAYAN project developed and submitted to USAID a special grant solicitation to provide advocacy training to local government councils and CBOs. BAYAN also recommended a local vetted CSO, Ta'awon for Conflict Resolution, as having the predominant capability to design and implement this grant. USAID approved the special solicitation and proposed CSO on January 3, 2008, and on the same day, BAYAN invited Ta'awon for Conflict Resolution to design a project proposal for USAID/BAYAN review and approval. During February and March, BAYAN shared with USAID summary information sheets for seven full applications for approval. Upon USAID approval, BAYAN signed six grant agreements with CSOs from the West Bank and Gaza and shared with USAID signed copies of agreements, including signed USAID mandatory provisions and USAID certifications.

Grant Synopsis:

Five of the grants, implemented by CFI, Shams Center, Al-Hares Center for Media and Studies, and Juhoud for Community and Rural Development, have encouraged and facilitated dialogue, public discourse, and partnership between government representatives and other decision makers, on the one hand, and the wider public, including such elements as community leaders, CBOs, and women and youth associations, on the other. As part of those grants, dozens of carefully designed workshops and town hall meetings were organized in all West Bank districts and various parts of the Gaza Strip, including dozens of rural locations where hundreds of men and women had the opportunity and the platform to meet and discuss their concerns, aspirations, and needs before their representatives and government officials. Citizens and CBOs emphasized the significance of taking part in shaping policy-making processes. Government representatives had a good opportunity to present their viewpoints, including proposed policies and legislation contained in the national

legislative agenda. These discussions between PA representatives and the Palestinian community contributed in supporting a participatory, transparent, and accountable policy-making process and, most importantly, encouraged the government to listen to people's views and recommendations. For instance, the five major workshops conducted by Al-Hares Center in the Bethlehem area, with the help of a BAYAN grant, resulted in heated and very fruitful discussion between hundreds of community members and decision makers invited to attend these meetings. In some of these rural areas, these workshops led to the formation of local ad hoc committees to follow up the community's demands with concerned ministries. PLC members and other decision makers attending these workshops re-engaged with these local committees to better address their needs.

A sixth grant, implemented by Ta'awon for Conflict Resolution, which was designed on request from USAID, succeeded in providing 13 advanced advocacy training workshops to members of 27 secular government local councils and more than 61 West Bank-based community organizations. Overall, more than 250 members benefited from the training courses. It is worth noting that the trainings have helped create more linkages and partnerships between local councils and the local community and may in the end facilitate more effective service delivery programs and other support rendered to citizens. All six grants completed activities in June 2008.

In summary, the project's grant-making component successfully supported the role of Palestinian CSOs in contributing to a more transparent and accountable legislative processes.

ANALYSIS/LESSONS LEARNED

IMPORTANCE OF PROGRAMMATIC VISION AND FLEXIBILITY, AS WELL AS COLLABORATION WITH THE DONOR

The Palestinian context required BAYAN staff and USAID management to work collaboratively and creatively, as the political landscape continued to shift during the life of the project and as the vetting rules and procedures were ironed out. Soon after project start-up, Hamas won the Palestinian Legislative Council elections; as a result, the BAYAN project, along with other USAID projects, was suspended and its survival in doubt. The BAYAN team collaborated with USAID to re-design the project by taking into consideration the new political realities and constraints while still addressing the needs of the Palestinian legislative community for an accountable, transparent, and participatory legislative process. BAYAN abandoned project components designed to strengthen the PLC and executive branch, focusing instead on civil society's advocacy and oversight roles in the legislative process. BAYAN benefited from an RFP that was written with an eye to supporting the broader legislative community, taking into account the broad range of stakeholders in the legislative process.

The BAYAN project went through a second major redesign following the Hamas's overthrow of Fatah rule in Gaza in June 2007 and the dissolution of the PLC. Fatah took control of the West Bank. Again, in collaboration with the Mission, the BAYAN project was able to recommend and receive approval to offer training and technical assistance during the Year 2 workplan to legal and technical staff from selected Ministries and the Office of the President. This re-focus was especially critical when the vetting approval of the Birzeit University IoL was rescinded by USAID and Birzeit refused initially to abide by the additional vetting requirements in January 2008. Previously, BAYAN had placed substantial emphasis in providing training for the IoL in order to strengthen its capacity to provide legislative research, drafting services, and training for members of the Palestinian legislative community. Following the division between Gaza and the West Bank, the BAYAN project was able during Year 2 implementation to transfer its training assistance to PA legal and technical staff.

The political, economic, and security situation in the Gaza Strip also required constant vigilance as it pertained to BAYAN strategic vision and program activities. The situation became especially acute following the Hamas takeover of the Gaza Strip and Israel's total blockade on both people and goods. BAYAN made the case to USAID, and USAID approved on a case-by-case basis, low-key training support to CSOs in Gaza. Such support was important to keep alive democratic ideals and the concept of one Palestinian state and institutions.

VIABILITY OF A PALESTINIAN LEGISLATIVE DEVELOPMENT UNIT (PLDU)

During the first year of the project, BAYAN completed a feasibility study regarding the need for an independent capacity in Palestine to provide legislative research, drafting, and training for members of the legislative community. BAYAN was prohibited from communicating with

PA or PLC officials or staff, but the study found that there was civil society support for such an institution, that there was a consensus that a PLDU should be independent, and that Birzeit University's IoL was the best location for such a unit. The IoL was already performing some of the tasks that a PLDU would normally perform, and the IoL management was and is very interested in filling this role. Following BAYAN's RIA and legislative policy development training with the IoL, the IoL moved to begin offering these services to members of the legislative community and began developing a legislative studies degree program that would include RIA training. However, BAYAN faced two constraints: Birzeit refuses to sign USAID Anti-Terrorism Certification (ATC) provisions, and in January 2008, after its vetting approval was rescinded, Birzeit refused for some months to abide by vetting requirements. Though the IoL is clearly the best Palestinian resource to provide legislative research, drafting, and training to members of the Palestinian legislative community, any USAID-funded assistance to the IoL will be limited unless USAID and Birzeit can come to some agreement regarding ATC requirements.

CRITICAL NATURE OF CIVIL SOCIETY INVOLVEMENT IN PALESTINE'S POLICY-MAKING AND LEGISLATIVE PROCESSES

Palestinian CSOs can play a key role in monitoring and participating in the Palestinian policymaking process (as exemplified by the Palestinian National Legislative Agenda being implemented by the Fayyad government). Their role is doubly important, considering the complete absence of the PLC. BAYAN's technical assistance and small grants program for leading Palestinian CSOs in the West Bank and Gaza have resulted in CSOs gaining the skills and experience needed to fully participate in and monitor this process. BAYAN has provided a series of trainings and consultations with CSOs on RIA, legislative research and policy development, drafting, budget analysis, information dissemination, and oversight and advocacy skills. Many of the trainings have included PA staff and have the added benefit of building lines of communication between civil society and the government. Future projects should continue to take advantage of the skills of these CSOs. Their efforts could help the PA's policy objectives gain legitimacy at the grassroots level.

USEFULNESS OF COORDINATION WITH OTHER DONOR PROJECTS

The BAYAN project, with USAID coordination, actively sought out collaboration with other USAID-funded projects. The initial redesign of the project and its focus on civil society's role in the legislative process meant that many of our project activities could benefit other USAID contractors. Accordingly, BAYAN was able to work with Internews to offer a training in disseminating legislative information and invite other USAID partners to applicable oversight and advocacy trainings.

IV. SUCCESS STORIES

MAKING POLICY DECISIONS WORK: PALESTINIAN CIVIL SOCIETY PICKS UP REGULATORY IMPACT ASSESSMENT TOOL

Palestinian policy making has historically been marked by poor planning, design, and drafting and ineffective implementation. Following the RIA training programs given by DAI's USAID-funded BAYAN project, Palestinian CSOs are poised to lead the effort to ensure that policy decisions benefit the Palestinian people by being properly designed and effectively implemented. Using the RIA as a tool for both advocacy and oversight, BAYAN partner CSOs are now able to analyze the impact, including the costs and benefits, of any proposed law on all sectors and consider a full range of policy options.



Participants engage in consultations during RIA case study exercise.

The BAYAN project worked with 13 leading Palestinian CSOs, including the Institute of Law (IoL) at Birzeit University, to organize two workshops over nine days (March 11–15 and June 11–14, 2007) introducing RIA as an advocacy and oversight tool. The events were designed to give participants hands-on training in the concepts and components of the RIA process and for participants to work together to develop actual RIAs.

Though the training has only recently concluded, there has been significant positive impact. Two organizations, the IoL and the AMAN Anti-Corruption Coalition, have already taken concrete steps to begin using the RIA tool.

As IoL director Dr. Samer Fares reported, his staff found the RIA training to be the best in which they had ever participated. As a result of the training, the IoL is incorporating RIAs into its mandate and is eager to receive further training to enable it to offer courses in RIA to its



RIA training participants, BAYAN staff and USAID CTO.

students in the future. Currently, IoL is preparing an RIA as part of its investigation into a comprehensive Palestinian Land Law Bill. Fayez Bikerat, Manager of the IoL's Legislative Support Unit, also reported, "The IoL is developing a curriculum for a legislative studies diploma program for CSOs and government officials and plans to incorporate an RIA course into the curriculum and develop an RIA training manual."

Following her RIA training, Ms. Nida' Hinaiti, Project Coordinator at the AMAN Coalition, Palestine's leading anti-corruption CSO,

successfully convinced AMAN to establish a new unit that focuses on RIA as a means to ensure transparent, accountable, and participatory policymaking in Palestine. In next year's program, AMAN plans to offer further training to up to two AMAN employees who will be part of the RIA Unit. AMAN also plans to draft a funding proposal to work with the Prime Minister's Office and the PLC to develop RIA Units within those institutions.

Other organizations participating in the training also report that there is keen interest in adopting the RIA method in their work. Following the second training, Mr. Ibrahim Al Shikaki, Research Assistant at the Economic Policy and Research Institute (MAS), wrote to BAYAN:

"This course was one of the few for which all the participants agreed on its importance and which they want to continue learning and training about. The RIA proved to be very important in the Palestinian context, given that many laws and policies have been delayed or even stopped totally because of their impacts and/or because there were insufficient funds, two points the RIA tackles clearly. I also want to tell you that RIA is now a term we all use in our work and we have made some pretty good progress in convincing our institutions to applying it in their lines of work."

With continued USAID support through the BAYAN project, Palestinian CSOs will play a leading role in ensuring that effective Palestinian policy design and implementation becomes a reality in Palestine.

WOMEN IN MARGINALIZED AREAS OF GAZA ARE GETTING INFORMED AND INVOLVED IN PALESTINIAN LEGISLATIVE PROCESS

The "Face the Legislature" project of the Palestinian Center for Democracy and Conflict Resolution (PCDCR) is promoting active participation of Palestinian citizens across the Gaza Strip to ensure an active, transparent, and accountable legislative process in Palestine. Funded through the USAID-BAYAN project, PCDCR organized a series of sessions focused on raising citizens' awareness of PLC functions, internal procedures, work achieved, and shortcomings for 2006; as well as citizens' public policy priorities and the mechanisms and skills needed to conduct effective legislative oversight and advocacy.



A group of women and housewives attending PLC awareness sessions at Mrs. Hedia Abu Amra's house in Hiker Al Jamea'.

Participating in one of these sessions was Mrs. Hedia Abu Amra, 39, a resident of Hiker Al Jamea', a remote and marginalized neighborhood east of Deir Al-Balah City, in the middle area of Gaza. Reflecting on what she learned during the sessions, Hedia said: "The session was an eye-opener to me: I got to know what those we elected have to do for us—we the poor people! Such information on PLC functions should reach all citizens so they can know their rights and hold PLC accountable to our real issues and priorities."



A group of women attending the awareness session at Rawafid Association at Al-Zatoun.

At the end of the session, Mrs. Abu Amra approached the project team ,informing them of the importance of conducting similar sessions in other similar remote and marginalized areas targeting groups of women and housewives. S

he even expressed her readiness to host a session at her own house in Hiker Al Jamea’ neighborhood.

The PCDCR project team responded positively and enthusiastically to her request,

conducting an additional three-day, 2.5-hour session at Hiker Al Jamea’ on a voluntary basis at the house of Mrs. Abu Amra, who generously agreed to host the session at her own house for free. The session was attended by a group of 27 women, who showed great interest and curiosity about the topics covered during the session. Explaining the surprisingly large number of women participants, Mrs. Abu Amra noted, “These sessions are addressing important topics about the PLC, which are typically addressed only in the cities far away from the marginalized areas. The women in the marginalized areas do not know much about such topics. These sessions help in getting this category of the Palestinian community involved.”

As an indication of such enthusiasm, the participants in a different session refused to stop the session even while fighting broke out in an area close by. Mrs. Emtiyaz Hasaballah, 35, a participant in that session, justified this decision by noting:

“Those who are fighting outside are not concerned about us; we should be concerned about ourselves by ourselves. These sessions are a golden opportunity to get educated and informed about PLC work and responsibilities—as well as to make our voice heard to those who are fighting outside!”

MONITORING LEGISLATIVE PERFORMANCE IN THE FACE OF ADVERSITY: BAYAN CSO PARTNERS COMPLETE TRAINING AND ACCEPT THE CHALLENGE

Only two weeks after the completion of BAYAN legislative oversight training which targeted 13 CSOs from West Bank and Gaza, one participant has used the skills and knowledge from the training to obtain a copy of the PLC budget bill for review after doggedly insisting, before PLC leadership, on her right to obtain a copy and to review the bill.

The Gaza-based Palestinian Commission for Human Development is implementing a project to monitor PLC performance in regard to specific legislation of interest, such as laws affecting youth, personal status, consumer protection, child labor, and anti-poverty efforts. Ms. Suzan Bayya, the project coordinator, expressed her appreciation to the BAYAN legislative oversight training and explained how it is helping her and the CSO to implement the project:

The training has increased my skills and knowledge about the work of the PLC and the dynamics of the legislative process, which positively impacted my performance of my current work as a coordinator of a project that focuses on monitoring the PLC's performance. I am being very frank in saying that I have already started to use the knowledge and skills I gained in further developing PLC performance monitoring activities implemented by my CSO."

Ms. Bayya's "starting to use the knowledge and skills" from the training has had profound practical results. After learning of her rights regarding access to information, her role in the legislative process and especially the critical role CSOs can play during the budget process, Ms. Bayya requested from Dr. Bahar, Acting PLC Speaker, a copy of the recently submitted Palestinian budget bill. Her request was initially rejected. However, Ms. Bayya persevered and insisted on her right to obtain and review public documents. Dr. Bahar sought legal advice and approval from the chairperson of the PLC Budget Committee, Dr. Salam Fayyad, and eventually relented and provided a copy of the budget to Ms. Bayya. Ms. Bayya has not only helped her CSO's ability to monitor governmental performance in the youth, child labor, and anti-poverty sectors, but has furthered the cause of increased access to governmental information in Palestine.



An Oversight training participants in Gaza

A number of other positive trends are beginning to emerge. Importantly, many of the partners CSOs are, for the first time, developing or considering developing oversight strategies for their respective organizations. For example, the Sharek Youth Forum is in the process of developing a strategic plan for its newly established Human Rights Unit, which will include a subunit specialized in monitoring youth issues within the legislative process. They are finding the skills learned at the workshop instrumental as they develop their strategic plan. As Mr. Moheeb Shaat, the Sharek Youth Forum's Executive Director, stated:

"At the top of our agenda is monitoring PLC performance related to the adoption of sound youth policies that promote youth participation at all levels. Attending the BAYAN training when we did was very good timing. During the course we learned the key issues and skills needed to oversee the legislative process, I believe this will help us a lot in shaping our upcoming strategy for overseeing PLC work related to youth policies."

Two enthusiastic training participants from the West Bank were Ms. Wafa Abdel Rahman, Founder and General Director of Filistinyat, and Mr. Khaled Aby Alya, Civic Education and Training coordinator for the Civic Forum Institute. They stated to the legislative oversight trainer, Mr. Art Sauer, that the session on the budget was particularly useful because it is such an important process, but is poorly understood by CSOs. The session on how to oversee budget implementation was especially useful, in their view, because most CSOs' involvement in the process ends when a law is passed. Of similar importance, Ms. Abdel Rahman noted that Filistinyat, with USAID funds, has recently developed a parliamentary index to measure PLC effectiveness. She indicated that the training exercise will help them take the index a step further in terms of putting it in practice.

Ms. Rasha Fityan, a program manager at the Ta'awon for Conflict Resolution, commented that the training exercise came at a very critical juncture for her organization, as they are seriously considering starting to develop plans to monitor the work of the PLC related to specific youth and women issues. Ms. Fityan became aware of the critical role that Ta'awon could play in tracking these issues by monitoring budget allocations in the budget approval process and in monitoring budget implementation. She concluded:

“The oversight training gave me an opportunity to learn a lot about the Palestinian laws, especially about the general budget and finance law, and how can CSOs influence the process.”

BAYAN PROJECT GIVES A VOICE TO COMMUNITY-BASED ORGANIZATIONS

The “Local Committees for Transparency” program of the Civic Forum Institute (CFI) is empowering citizens to be more informed and effective monitors and advocates over the legislative process and public discourse. With direct support from the USAID-BAYAN funded project, CFI has established and trained five 17-member Local Grassroots Committees representing 35 community-based organizations (CBOs) across the West Bank. CFI is directly contributing to the participation of citizens in local decision-making processes, enabling them to make their voices heard and hold decision makers in general, and members of the Palestinian Legislative Council (PLC) in particular, more accountable.

For the first time in their lives, the 46 female and 42 male committee members underwent intensive training in legislative functions and in ways to monitor and influence its performance. Later, the trainees transferred their new knowledge and skills to other members of their community in an effort to widen and solicit support from various segments of the community, to create a solid grassroots movement as a foundation for work against poor administration and corruption, and to hold members of the legislative and executive branches of government accountable to their constituencies.

Mrs. Nahed Omar, 32, from Al- Zababdeh Women’s Centre on the outskirts of the Jenin area, is the mother of Dala’, a nine-month-old girl. Mrs. Omar took part in the oversight training organized in Jenin city, a few miles from her original residence, which has been repeatedly blocked by enormous Israeli checkpoints since the outbreak of the Intifada in 2000. Left with no one else to care for her little daughter and finding herself with of two options—lose the new learning opportunity, or bring her small daughter with her to the training—she showed unprecedented determination and decided to attend with Dala’ despite all difficulties. Later she transferred the knowledge she gained to 20 other male and female participants from Seir Women’s Center, located in a village adjacent to her own. Using her own simple language, Nahed said:



Mrs. Nahed Omar holding her nine-month-old daughter while attending training in Jenin.

“I want to learn everything about the PLC, especially the members that I worked so hard for during the election campaign and now I feel that all I did for them was for nothing. Now, I feel I’m a victim that has been used by the members, and that’s why I decided to take part in this important training to learn more about my rights as a citizen and how I can hold those legislators accountable because they have failed to serve their own people.”

Mrs. Roqaya El A’rida, a participant from Sabaya Center in ‘Arabeh village in the Jenin area, indicated that this program has enabled her and her colleagues to take the initiative to visit the Parliament premises in Ramallah and meet with independent lawmakers in an effort to advocate for a more transparent and accountable decision-making process. She said:



Members of an oversight committee meet to decide on a working strategy.

I will contact the PLC members from my area and see what they are doing and will investigate what their accomplishments have been as lawmakers. We visited the PLC premises in Ramallah and met with Hassan Khreisheh, an independent lawmaker, and this is the first time for us to do something important like this. We really practiced our right by inquiring, criticizing, demanding, and even suggesting ideas to Mr. Khreisheh. We asked him so many questions and we think what we did was important.

Reflecting on what she learned, Mrs. Naziha ‘Arar from the Women’s Rural Development Society in Qarawa Bani Zeid village in the Ramallah area, who is an active member of the Ramallah local Oversight Committee, said:

I thought that the work of being a PLC member was something different and very difficult and complicated. After the training and the dialogue and coordination between members of the five oversight committees, I realized that that is really not the case. I am an elected village council member and we do our work, even as difficult as it gets, despite the financial and other problems, and I think we do our voluntary job better than current PLC members all together— and at least we didn’t leave the voters (the people) all alone. I think I have an ambition now to be a PLC member to serve my own people.

With USAID support through the BAYAN project, a foundation for greater and more effective public oversight and advocacy over the policy and legislative process has become a reality.

ANNEX 1: PROJECT STAFF

Name	Position	Hire date	End date
Full-time national staff			
Mohammed AIMbaid	Chief of Party	11/01/2005	10/30/2007
Nael Younis	Gaza Manager	01/15/2006	07/15/2008
Iyad Qadi	Policy and Advocacy Specialist	01/05/2006	07/15/2008
Iyad Qadi	Acting COP	06/26/2008	07/15/2008
Nisreen Natour	Office manager	11/20/2005	07/15/2008
Randa Abu Kumail	Project Coordinator	02/19/2006	07/15/2008
Fadi Stephan	Project Accountant	05/01/2007	04/07/2008
Waseem Aref	Project Accountant	01/02/2006	03/04/2007
Eddy Abed	Driver	03/01/2006	08/31/2007
Part-time national staff			
Fadi Stephan	Project Accountant	04/08/2008	07/15/2008
Jafar Mahfouz	IT specialist	11/01/2005	07/15/2008
Steve Khawaja	Financial Officer	11/01/2005	07/15/2008
Lina Kouz	Operations Manager	11/01/2005	07/15/2008
Irene Khasho	Admin and HR manager	11/01/2005	07/15/2008
Rami Hamayel	Office Messenger	10/01/2006	04/30/2007
Salem Massad	Office Messenger	10/01/2007	07/15/2008
Full-time international staff			
Stephen Terravecchia	Legislative and Parliamentary Development Specialist	02/01/2006	11/05/2008
Stephen Terravecchia	Chief of Party	11/06/2007	06/25/2008
Part-time international staff			
Julie Fitzgerald	Project Associate	10/17/2005	07/15/2008
Julie Fitzgerald	Close-down Manager	06/22/2008	07/11/2008
Jeremy Kanthor	Development Specialist	10/1/2005	10/29/2005
Jeremy Kanthor	Home Office Project Manager, Technical Backstop	04/18/2008	09/29/2008
Carmen Lane	Senior Development Specialist/Interim Chief of Party	11/04/2005	12/15/2005
Carmen Lane	Principal Development Specialist/BAYAN Technical Backstop	12/15/2005	04/17/2008
Carmen Lane	Acting Chief of Party	10/21/2007	11/05/2007
International consultants			
Katherine Head	Legislative Advocacy Training Expert	01/23/2007	03/15/2007
Naru Faisal	Regulatory Impact Assessment Trainer	12/31/2007	06/30/2008
		06/07/2007	06/15/2007
		02/01/2007	05/31/2007
Christina Salib	Legislative Drafting Supplemental Trainer	01/15/2008	06/30/2008
Art Sauer	Legislative Oversight Training Expert	12/10/2006	01/14/2007
Lorna Seitz	Legislative Drafting Training Expert	12/15/2007	06/30/2008
		05/20/2007	07/30/2007
Fred Whiting	Orientation and training specialist	04/01/2006	01/26/2006
National consultant			
Alaa Ghalayinin	Legislative Advocacy Trainer	02/20/2007	03/31/2007
		03/01/2008	05/30/2008
Aref Jaffal	Advocacy and Oversight Expert	04/15/2008	05/30/2008
Sharif Kishawi	Budget Expert	02/20/2008	06/30/2008
Iyad Krunz	Legislative Oversight Co-trainer	12/01/2006	01/30/2007
		03/01/2008	05/30/2008
Ibrahim Shikaki	Regulatory Impact Assessment Supplemental Trainer	02/10/2008	06/01/2008
Firas Zaghal	Budget Expert	10/01/2007	12/30/2007
Wafa'AbdelRahman	Public Information Media Expert	03/15/2008	04/30/2008