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Dear Bill and Roberto:

Enclosed please find a copy of the above referenced document. We look forward to receiving any comments you may have on this document. Please do not hesitate to contact us if any revisions are required.

Thank you for your cooperation in this matter.

Sincerely,



Alan Richards
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Enclosures
cc: File

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**A COMPARATIVE ASSESSMENT OF THE
LEGISLATURES OF
EGYPT, JORDAN, LEBANON,
MOROCCO, TUNISIA, AND YEMEN**

January 13, 1994

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INTRODUCTION

A. Why Legislatures are Important

Dramatic democratizations in Eastern Europe and accelerating transitions to democracy in Central and South America in the late 1980s and early 1990s, caused many observers to anticipate similar transitions in the Middle East and North Africa (hereafter, MENA). Those expectations have yet to be fulfilled. As a consequence, expectations for change have been lowered, or replaced altogether by a cynicism that totally discounts the prospects for democratic development in this region. Such a cynical view is not merited. The intensity of political contestation in the MENA region is increasing. Moreover, it is becoming more focused on institutions and the rules of the game, a harbinger of greater commitment to the institutionalization of democratic procedures.

Within the context of the shift from ideological to procedural concerns among many political actors in the region, legislatures have become the specific target of reform efforts. In all MENA polities, whether ruled by monarchs, militaries, single parties, or a combination of civilian and military bureaucratic organizations, reform strategies are centered on (1) constitutions and the relationships they specify between branches of government (especially the executive-legislative relationship); (2) laws determining the formation and operation of political parties; (3) rules and regulations defining how elections to participatory bodies are to be conducted; and (4), the role and prerogatives of the press. While substantive political issues are debated, such as foreign policy and the role of the state in the economy, it is widely recognized that the proper resolution of such issues first requires that these four procedural matters be resolved. They, in turn, are all focused on one principal goal, which is to enshrine legislatures as the principal arenas of political competition.

Legislatures thus are critical to possible democratic transitions in the MENA region precisely because they have become the focal point for the struggle to expand, legitimate and institutionalize political participation. Legislatures are important not because political scientists say they are, but because political actors in the MENA region are struggling to enhance their influence within them. It is vitally important, therefore, that their actual roles/functions/capacities be understood, and that is the purpose of this study

B. Method of Analysis

The performance of legislatures is affected by their external political environment and by their own institutional

capacities. The study will look first at the external, then at the internal constraints impeding the expansion of MENA legislatures' activities. This will be done under four headings:

B1. Classification by Extent of General Political Agreement

MENA legislatures fall into one of three categories depending on the extent to which a general agreement has been worked out among the political elite regarding basic institutional arrangements as defined by constitutions, party laws, electoral laws and press laws. In those political systems where arrangements have been reached, legislatures are likely to be assertive. Legislatures in political systems with substantial disagreements on basic institutional arrangements are likely to be comparatively quiescent and subordinate to the executive.

B2. Roles Legislatures Perform in Political Systems

Depending principally on the degree of agreement reached on the four basic issues of constitution and party, electoral and press laws, legislatures perform different roles. But even where agreements have yet to be reached, legislatures play important roles.

B3. Internal Constraints

The capability of legislatures to discharge functions that they are constitutionally and politically allowed to perform is determined by various internal constraints.

B4. Current Efforts to Strengthen the Capacities of Legislatures and Programmatic Implications/suggestions

AID/W and USAID missions in the field may seek to deal programmatically with these institutions, in which case knowledge of ongoing activities as well as suggestions of possible alternatives are both relevant. This section will be expanded following receipt of comments on this draft.

C. Data Limitations

There are no major, published studies dealing with MENA legislatures because:

- Institutional analyses were eclipsed by behavioralism after World War II;
- Legislatures were not beneficiaries of AID or other technical assistance programs, so western scholars associated with such programs did not focus on them;

- Empirical studies in developing countries are expensive, difficult to conduct, and dependent upon access, which is hard to obtain;
- Legislative studies require understanding of both the internal workings of the institution, as well as the political context in which it operates, so their informational and conceptual requirements are comparatively demanding.

Studies available in Arabic are written from either a constitutional law or a normative perspective. The emphasis of these studies is not on what is, but what should be; not on how political institutions work, but on how they should work and what public policies and public goods they should produce. They are of only limited relevance to this study.

As a result of these informational deficiencies, the study is based primarily on the principal author's research, conducted in Egypt, Jordan, Lebanon, and Yemen as an independent scholar or as a consultant to AID-financed legislative needs assessments. In these legislatures the author reviewed relevant internal documents and conducted interviews and discussions with their political and administrative leaders. The factual basis for remarks in this study on the Moroccan and Tunisian legislatures are based on secondary sources, so those observations are tentative and limited.

SECTION I
CATEGORIZATION OF MENA LEGISLATURES

A. Background and Criteria

Since the late Ottoman period the establishment or empowerment of legislatures has been a primary goal of most popular political reform movements, including those dedicated to gaining independence. By the end of World War II, Egypt, Iraq, Syria, Lebanon and Jordan all had functioning legislatures. For a short time legislative institutions flourished in Sudan, Tunisia, and Morocco. But as a consequence of development ideologies prevalent at the time, national security concerns, and desires for political integration and rapid economic development, most countries in the area ultimately succumbed to military dictatorship and one party rule, or they retained absolute monarchies. Only Lebanon emerged as a pluralistic country with a strong functioning legislature.

During the past decade there has been a renewed interest in legislatures as part of the widely felt need to make political systems more responsive. This interest is not akin, however, to the dramatic process of democratization in Latin America and Eastern Europe. Demands for political reform have not culminated in the replacement of political elites by new ones, whether based in a legislature or elsewhere. Political change in the MENA region has been gradual and uneven. That change has taken the form not of replacing incumbent elites, but of re-legitimizing the existing system through elections and incorporation of new groups into the institutions of the state. This is one of three possible modes of democratization.

Transition through regime breakdown or collapse is the most common manner by which authoritarian regimes undergo transitions to democracy, according to Share and Mainwaring. The authoritarian regime is discredited and delegitimized, either as a result of a coup, a revolution, or some internal or external crisis or defeat, such as those affecting Germany and Japan in World War II, or Greece in 1974, or Argentina in 1982-83. The second type of transition to democracy is through "extrication." In this case, "authoritarian elites set limits regarding the form and timing of political change but are less capable of controlling the transition beyond the moment of the first election."¹ They simply manage to retain some control over the transition, as they did in Peru (1980), Bolivia (1979-1980), and Uruguay (1982-1985). The least common type of transition is

¹ See Scott Mainwaring, "The Transition to Democracy in Brazil," in *Journal of Inter-American Studies and World Affairs*, XXVIII, No. 1 (Spring 1986), pp. 149-79.

through "transaction," in which authoritarian regimes initially control most aspects of the transition, but that control declines gradually over time. In transitions by transaction, authoritarian elites control the timing of the transition; insist on excluding some actors from the it; attempt to control policy output; and rule out punitive measures against authoritarian leaders once they have lost power.

Hesitant transition to democracy through transactions between incumbent and aspiring elites appears to be the path which MENA countries are now following. Transition of a limited sort is already taking place through incremental relaxations of restrictions on political participation. None of the ruling elites plan or expect to be removed from power, but they are willing to share some power with other actors and to broaden the circle of participants in accordance with new rules that they negotiate.

Characteristics of a transactional democratization relevant to legislatures are:

- The transition is led by the incumbent executive. Where legislatures exist, they provide the forum either for negotiating or ratifying agreements reached with those political actors who previously were excluded from power.
- Although initiatives come from the executive, there is a genuine attempt to involve political forces represented in the legislature, as well as some of those outside it. In some countries, certain groups that the regime classifies as unacceptable are excluded from this dialogue. Many groups of Islamic activists are examples of those excluded from transactions between MENA governments and opposition.
- As most bold initiatives come from above, these initiatives are suspect and are met with a degree of suspicion by the opposition and the general public at large. Many believe that what is given as concessions during these negotiations could easily be taken away if those in power feel genuinely threatened.
- These initiatives are, however, genuine attempts to broaden political legitimacy by incorporating as many benign opposition forces as possible without actually losing control.
- There is also a general agreement, or feeling of resignation, that those in power will stay there.

But is such a transactional approach viable? The rise of Islamic activism in the MENA region as a whole, and the Algerian experience specifically, cause many to believe that there will not be a negotiated, gradual transition to democracy, but a

breakdown. That many countries in the region have embarked upon transactional approaches to democratization does not impress such critics, for they adjudge secular opposition forces pushing for democratization as too weak to force a meaningful dialogue. To these skeptics the secular opposition is comprised of either recycled ancien regime elites that were swept out of power during the fifties and sixties, or of residues of the nationalist and socialist forces that held power in the region for the last three decades and which are now widely discredited. Neither can now claim the hearts and minds of their countrymen, which increasingly are being captured by Islamic activists who have not made any clear commitment to democratization. If these groups come to power, it is argued, they are likely to create regimes a la Iran or Sudan. Quasi-secular authoritarianism is preferable to this type of religious totalitarianism. As there are no other alternatives, experimentation is risky and a waste of time.

This assessment, however, is short-sighted. MENA countries have taken steps to open their political systems and have begun transactional processes that could ultimately result in thoroughgoing transitions to democracy. The six countries under study (Egypt, Jordan, Lebanon, Morocco, Tunisia and Yemen) can be divided into three categories according to the progress they have already made, ranging between:

- (1) Those that have negotiated and established most of the institutional arrangements;
- (2) Those that have partially negotiated such arrangements and begun to construct institutions resultant from those agreements;
- (3) Those that are just beginning to negotiate those agreements and have yet to produce tangible results.

A1. Category One: Lebanon

This category includes only Lebanon. Since the early 1920s Lebanon has been operating under the same constitution with few minor amendments. To the extent that the 16-year civil war in Lebanon was due to disagreement on the basic institutional set up, those disagreement were settled by the Taif Accord that was eventually embodied in a constitutional amendment that redefined the power of the President, the Prime Minister and the Speaker of the House. A new electoral law was also adopted, defining electoral districts and increasing parliamentary seats from 99 to 128, equally divided between Christians and Moslems. Elections were held in the summer of 1992. A significant number of Christian political parties boycotted those elections, not because of disagreement on the basic rules, but because of timing and conditions (presence of Syrian troops in some areas of Lebanon) under which elections were held. Although the legislature that emerged is not truly representative, it is a

strong legislature that performs all of the functions typically executed by representative bodies in developed democracies.

A2. Category Two

The legislatures of Jordan, Morocco, and Tunisia fall into category two. These countries have long been ruled by authoritarian regimes, but in the last three years have begun to move toward more open political systems.

Jordan

Jordan's new experiment with parliament is not novel. Though the fundamental feature of Jordan's political system was and remains the monarchy, chosen and elected consultative and legislative councils have always existed. Between 1947 and 1967 Jordan had successive elections to choose representatives to nine consecutive Representative Assemblies. The relationship between the parliament and the King has always been a stormy one. With the exception of the Fifth and Ninth Assemblies, none of the others was allowed to complete its constitutional term. All were dissolved by the executive after the relationship between parliament and cabinet reached an impasse. Fresh elections were then held to choose new Representative Assemblies.

The Fifth Assembly was able to complete its constitutional term between October 1956 and October 1961. It was during the term of this Assembly that parliamentary life reached its zenith in Jordan. With free and open elections, Jordan's main political parties were able to organize and wage successful campaigns. The elected Assembly included representatives of the Social National Party, the Moslem Brothers, the Constitutional Arab Party, the National Front, the Ba'th Party, the Liberation Party, and some independents. This Assembly developed for itself a strong nationalist agenda. It abolished the Anglo-Jordanian Treaty, ratified the Arab Union between Iraq and Jordan, and asserted itself on a number of other legislative matters. Most important of all, this Assembly succeeded first in selecting a cabinet that reflected its views, and then in holding it accountable. It was the closest that Jordan reached to establishing a constitutional monarchy with a representative, accountable parliamentary system.

The Ninth Assembly was elected in April of 1967. In one form or another, and fluctuating between extension of its term and suspension of its mandate, between dissolution and resurrection, this Assembly managed to stay alive until the election of the Eleventh representative assembly held in 1989. When the term of this Assembly expired in March of 1971, using the provisions of the constitution, the King extended its term for two years until 1973, since election was not feasible in the West Bank under Israeli occupation. When the Arab League meeting in Rabat in 1974 recognized the PLO as the sole representative of the Palestinian people, the King issued a decree dissolving both the Senate and the Representative Assembly. In 1984 the King

issued a Royal Decree reviving the dissolved Assembly. The revived Ninth Assembly was called the Tenth Representative Assembly and lasted in power until 1989, when the present Eleventh Assembly was elected.

To avoid the dangers of a divisive and polarized relationship, the King has often tried to dilute the power of the Assembly by counterbalancing it with the appointed Senate; by placing severe restrictions on political parties (leftists and nationalists) considered subversive by the regime; by manipulating elections to insure a compliant body; and by constitutional mechanisms that weakened the power of the Assembly and prevented its institutional development and growth. When all of these measures failed and the Assembly adopted a defiant attitude, it faced dissolution and suspension.

Yet in spite of this stormy relationship and the precariousness of the existence of a legislative institution, there was always an attempt on the part of the King to maintain the veneer of constitutionalism and the rule of law. Every major action taken by the King with regard to the fate of the Assembly was preceded by a constitutional amendment authorizing such an action. Though such constitutional amendments appeared orchestrated and designed to legitimize the desired action, they nonetheless kept political actions of the regime within the frame of the constitution and the law, hence kept the regime committed to constitutional as opposed to completely arbitrary monarchical rule. This contrasts sharply with many of the MENA, single party, or military regimes. At present, with all the imperfections of the present constitution, there is a general commitment on the part of most of the political actors to work within the confines of the law and to seek changes within and to the constitution.

Another positive factor that has influenced political development in Jordan and the role of the Assembly is the non-exclusionary policy adopted by the King toward both his opponents and supporters from the political elite. There has been a conscious attempt not to exclude from power for a prolonged period any significant group. Even when the King resorted to selection of Senators or appointment of ministers and senior governments posts, he maintained diversity of representation. Sometimes even those who conspired against the regime were eventually given the opportunity to repent and serve the Monarchy. This policy prevented the development of permanent losers or winners. It prevented the emergence of one party rule, or a military dictatorship. The lines that separated supporters and opposition, remained fluid and shifting.

A third positive factor in favor of pluralism and democratization is the policy of the King to gradually distance himself from the day to day decisions of the cabinet and its relationship with the Assembly. While retaining ultimate power to intervene if needed, beginning in the early 1970s the King

began to let the cabinet manage its own day-to-day operations and to face the consequences of its success or failure. This explains the successive changes of cabinets and ministers. Criticism of the cabinet by the Assembly, or even by the general public, is not viewed as criticism of the Monarch or the regime. Indeed, opponents of a particular cabinet action or policies frequently appeal to the King as an impartial arbitrator. Unlike military dictatorship or single party rule, where any criticism of the cabinet or even a government functionary is interpreted as a criticism of the head of state and the regime, in Jordan the King has avoided day to day politics. The cabinet and senior government officials act like shock absorbers and became expendable in times of crises.

In 1993, Jordan passed new party, electoral, and press laws. Within the prescriptions of those laws, elections were successfully held in the fall of 1993. Those elections were contested by all politically parties. A new multi-party legislature is now in place.

Morocco

Although the chronology is different, the Moroccan experience is similar to that of Jordan. The struggle against the Monarchy in the sixties and seventies has quieted down. In the past few years the King has emerged as a supporter of political opening. The constitution was amended recently to give more power to the prime minister and the parliament. New party, press, and electoral laws were promulgated. The agreements were hammered out in a series of extra parliamentary meetings, but the laws were debated and ratified within the parliament. Parties that were not represented in the Parliament were invited to participate in extra parliamentary meetings. A national election was held in the Spring of 1993 which led to the formation of a multi-party legislature.

Yemen

For the past three years Yemen has been undergoing a basic political transition from an authoritarian political system to a pluralistic, open and competitive one. This transition is taking place within the context of a unified Yemen. In May 1990, South Yemen, ruled by the Yemeni Socialist Party, and North Yemen, ruled by the General People's Congress, entered into an agreement to share power and to unify the two parts of Yemen. The constitutional and legal core for the transition to a pluralistic democratic system were embodied in the constitution of 1990--ratified by a popular referendum in 1991--and in three legal documents --the Party Law, the Electoral Law, and the Press Law. The final phase of this transition was a general election to choose a legislative assembly, held in the Spring of 1993.

A number of changes with direct relevance to the legislature have occurred. To the 159 members from the North (128 elected

and 31 appointed in 1988), 111 members from the People's Assembly of the South were added. Thirty-one members were also appointed by the President to make the total number 301. The name of the legislature was changed from Consultative Assembly to Chamber of Deputies, signifying a change of role to a full legislative institution. Finally, the term of the parliament was set for an interim period of two and one-half years.

A3. The Jordanian, Moroccan, and Yemeni Cases: Are they Examples of Meaningful Change?

The partial transitions to democracy in these systems, including expanded roles for parliaments, are precarious and incomplete. They are precarious because they have been orchestrated from the top. They can still be withdrawn or suspended if the interests of those who orchestrated them are seriously challenged. The transitions are incomplete because while they have broadened recruitment into and participation within the political elite, the original incumbents retain disproportionate shares of power and resources.

It is worth remembering, however, that over two centuries ago French indictments of incremental reforms in Britain, which included a gradual transfer of power from monarch to parliament, were based essentially on the grounds that these reforms were precarious and incomplete. The position of French revolutionaries was that change had to be sudden and thoroughgoing to be meaningful. History has recorded, however, that evolutionary change has just as great a potential as a revolution to lead to a fundamental and lasting transformation, and incremental change is less likely to produce a backlash that leads to a sudden and dramatic political about face.

These MENA legislatures are beginning to take on characteristics similar to those of the British and some other European parliaments at early stages in the democratization process. It may well be that these historical models, which are in their essence gradualist and incremental, are more appropriate than those of contemporary Eastern Europe, where change, after all, was spawned by the sudden collapse of the Soviet empire. Similarly, Latin American models may be inappropriate because they reflect the primary struggle for power in that region, which is that between civilians and military officers for control of government. In the MENA region, on the other hand, military rule has been absent (such as in the cases of Jordan and Morocco), or more diluted and counterbalanced by other forces (such as the case of Yemen, in which tribal power and the power of the single party have been important). Whereas in Latin America dramatic oscillations in the power and authority of legislatures have occurred as a result of the military seizing or being ejected from power, in the MENA region militaries have for many years not been exclusive wielders of power, but at the most have comprised important elements of ruling coalitions which have emerged through a political process. Thus negotiation, gradual

incorporation of social and political forces, and incremental enhancement of the role and powers of the legislature may well be the type of transition that takes place in the MENA region. Such transitions appear now to be underway in Jordan, Morocco and Yemen.

A4. Category Three: Egypt and Tunisia

This category includes Egypt and Tunisia. Countries in this category are just beginning the process of trying to reach agreement on the basic institutional set up. Until that is accomplished, the most important politics are extra-institutional.

Egypt

The political liberalization inaugurated by President Sadat in the wake of the October 1973 war gradually bogged down and became stalled at the end of that decade. It received new impetus when President Mubarak succeeded Sadat. In the face of a sustained and growing challenge by Islamic activists since the mid 1980s, however, the government of Egypt has backtracked on some of its previous liberalization measures. At present political liberalization is stalled, although it appears it could soon resume. Liberalization has produced what appear to be irreversible gains with regard to expanded freedoms of expression.

The implied culmination of the process of political liberalization is participation by political parties in free and competitive elections to a representative legislature with the capability to formulate public policy and hold the government accountable. For such a transition to take place the principal political groups have to reach agreement in the four essential areas of form of government, role of political parties, type and mode of elections, and acceptable manner and content of political expression. With the exception of freedom of expression, which is relatively widely granted and is not the cause of bitter or widespread contention, the other three prerequisites for the commencement of political transitions have yet to be met in Egypt. The status of each of the three is as follows:

- 1. Governmental structure and the relationship between legislative and executive branches.** The constitution of 1971 and its various amendments assign a predominant role to the executive. The role of the legislature, while politically significant, constitutionally and operationally is circumscribed and limited. The hybrid system has some characteristics of the presidential system and others from the parliamentary system, both to the advantage of the President. The cabinet, for example, is nominated by the President, but submits its program to the People's Assembly (PA). If the PA disagrees with the cabinet, the issue is referred to the President, who has the right to call for a

referendum. The PA cannot force the cabinet to resign through a vote of no confidence. On the contrary, the President can dissolve the PA, especially if the referendum were to be in his favor. The proper role of the Shura Council (SC), which is the upper house created by President Sadat, is still in state of political flux. Is it a representative institution (2/3 of its members are elected), or is it an advisory organ to the President? (its members are mainly former senior government officials or notable Egyptians). The rules of the political road, in sum, favor the executive and in some notable instances, remain poorly delineated.

2. Political parties. The law legalizing the formation and operations of political parties remains contentious in content and application, and is still evolving. It is the subject of intense criticism both because it is perceived as belonging to an earlier, non-democratic era, and because it is applied in discriminatory fashion. It is used to prohibit major political forces from organizing legal political parties, hence from participating openly and directly in elections.

3. Electoral system. A widely accepted and reasonably fair electoral law does not exist. Since the 1976 election, the first comparatively free one undertaken since the 1952 coup, the government has adopted several different electoral laws, all of which have been intended to advantage it at the polls. Two of these laws have been struck down for being unconstitutional by the Supreme Court, acts which deligitimized sitting parliaments. The main opposition forces refused to participate in the 1990 election as a protest against the law, so they are not represented in the current PA, which serves until 1995. The Supreme court is now considering a constitutional challenge to that election. If it were to declare it unconstitutional, the present PA would probably be dissolved.

Paradoxically, Egypt's parliamentary tradition is the oldest in the Arab world. The first consultative assembly was founded in 1866. In little more than a decade the Egyptian parliament was a major force in the politics of the country. On numerous occasions since then parliaments have played vitally important roles. Between 1923 and 1952 Egypt had a parliamentary style government, although the powers of the institution were curtailed by the British presence and by the monarch.

Egypt, in sum, has the most impressive history of parliamentary activity of any Arab country other than Lebanon. It is not far fetched to imagine that in more auspicious circumstances Egypt would move rapidly from category three, in which parliament is ineffective due to lack of agreement on basic issues, to category one, which is that in which parliament is the central arena for political contestation. If current discussions

aimed at establishing a national dialogue around the points mentioned above succeed, Egypt would shift into category two, where legislatures are the focal point for the broadening of political participation and the constriction of executive power. The relative maturity of the Egyptian political system as a whole, and the institutional capacities of its legislature in particular, are such that the parliament could easily become the hub of political activities in the country.

Tunisia

Until recently the experience of Tunisia paralleled that of Egypt. The regime entered into a violent confrontation with the main Islamic opposition group, al Nahda. It outlawed that party and imprisoned many of its members, while others fled to avoid incarceration. Many of the other opposition groups refused to participate in the last election in protest against the restrictive measures adopted by the regime. Human right groups have consistently publicized human right abuses committed by the regime.

In recent months the Tunisian regime may have negotiated agreements with opposition groups to enable them to rejoin the political process. An electoral law, a party law and a new press law have been enacted. General elections are scheduled to take place in March 1994. How widely accepted these new laws are, how much they reflect a process of negotiation, and what the outcome of the coming elections will be are too early to predict. That is why Tunisia still falls into category three, although, like Egypt, in favorable circumstances it could shift rapidly into category two.

SECTION II

ROLE OF LEGISLATURES IN MENA POLITICAL SYSTEMS

The roles legislatures play in MENA political systems are circumscribed by the four types of systemic factors discussed above. But the way legislatures perform their roles is not determined by external constraints alone. Many internal constraints having to do with the nature of legislators and legislative leadership; the way the legislature is politically organized; and the information and other supportive resources available to the legislators, all have an impact on the manner in which legislatures perform, and on their effectiveness. In this section we will briefly review the roles of these legislatures, and in the following one the issue of internal constraints will be addressed.

A. Category One: Lebanon

The Lebanese Parliament performs all the normal functions of legislatures in any western parliamentary democracy. It elects the President of the Republic, fields the cabinet (prime minister and ministers) and holds it accountable through question periods, general debate, motions of confidence and a whole range of special parliamentary investigations. The Lebanese parliament participates actively in the formation of all aspects of public policy. It debates, amends and approves the budget. Through the reports of various central control agencies (General Accounting Office, Central Inspection Board and Civil Service Board), through its own permanent committee system, and through its plenary sessions, it oversees the work of the bureaucracy, both civilian and military. The Lebanese parliament has elaborate formal and informal networks in the capital and in districts to attend to constituency services.

The way these functions are discharged are only circumscribed by the availability of information and support institutions. These limitations, and the destruction to its physical and human infrastructure brought about by 16 years of war, the Lebanese parliament is presently trying to redress. Since the internal limitations on the ability of MENA legislature are shared by all the legislatures in the three categories, we shall discuss them separately in section three of this report.

B. Category Two: Jordan as an Example

Legislatures in this category have recently moved into a multi party legislatures. Their leadership is still inexperienced, and their parliamentary tradition is being developed. Both the members and the administrative staff that supports them, are actively adjusting to the rigor of serious legislative work. Legislatures in this category operate under a

series of external limitations, where certain areas of public policies (such as foreign policy, military and security policies) may still be reserved for the executive. They also work under serious internal constraints having to do with the type of informational and other support available to the members.

The Jordanian democratic experiment is predicated on a central role being given to the legislature. Yet, in spite of significant steps in that direction, such as the free election of 1989, the legalization of political parties that meet conditions specified in the party law, and the just completed election of 1993, serious constitutional, political and institutional hurdles still exist which impede the legislature from assuming its full constitutional role as a legislative body.

Constitutionally, the King remains at the core of the whole political system. The King controls the legislative agenda, and exercises significant control over the cabinet and the legislature. The King appoints the Senate and selects its president. He nominates the prime minister and the cabinet, subject to a majority vote of confidence by the Assembly. The King calls the Assembly to sessions, and prolongs, shortens and suspends those sessions as he pleases. The King can suspend the Assembly, dissolve it, or prolong its terms as he sees fit. Finally, the King is solely responsible for determining his successor in accordance with provisions in the constitution.

The King can undertake all of the above constitutional steps without risk of serious political repercussions. Constitutional provisions provide the legal base for action, while his personal political capital ensures the necessary support in the political community. In recent times the King has exercised all the constitutional powers listed above at one time or the other. He has amended the constitution several times to grant himself needed authority, and suspended, prolonged, postponed, or dissolved and reconvened the Assembly as he has seen fit. He can indulge and tolerate the Assembly as well as censure or rebuke it. In short, at least for the time being, the King can accelerate the process of democratization or arrest it as he chooses. The Assembly can only function in the constitutional and political space granted and tolerated by the King.

The Assembly has yet to develop the capacity to perform those tasks specified for it in the constitution and permitted it by the King. Its internal rules are very restrictive and prevent it from performing its legislative and oversight functions. Its committee system is underdeveloped and its research, information and support services are not yet functioning. Members of the Assembly are given no support in the performance of the day-to-day functions expected from an elected legislature. The recent legalization of political parties, the present attempts to strengthen the secretariat, and the election of 1993 have undoubtedly enhanced the role of the Assembly. But its role

remains circumscribed by the constitution, by the political preferences of the King, and by its own shortcomings.

These are the same weaknesses of the legislatures in Morocco and, to a lesser extent, in Yemen. For all three the issue of political will is central. As long as the kings in both Jordan and Morocco and the president in Yemen are committed to a functioning multi-party system, the legislatures in those countries can be expected to perform significant roles. But if those political leaders decide otherwise, their parliaments will be undermined. What then prevents them from aggrandizing their personal power at the expense of legislatures?

Political will does not operate in a vacuum and generally is not capricious. It is determined by calculations of what is possible--of what will obtain the desired results for the least expenditure of political capital. Adventuristic and arbitrary decisions carry a price. Attempts to deprive legislatures of their powers are inherently risky undertakings that are likely to cost considerable political capital. Unless the risk posed by those legislatures to executives is high, they are unlikely to want to spend capital in that way. This political calculus implies that legislatures have considerable political room within which to maneuver, a truism suggested by the number of important roles played by the Jordanian legislature.

B1. Political Role

The 1989 Assembly played a significant role in formulating and dissolving cabinets chosen by the King. Many of its significant blocs were represented in successive cabinets nominated by the King. The Assembly maneuvered and succeeded in derailing the formation of a new cabinet under designated Prime Minister Taher al Masri, before the proposed cabinet was able to submit itself for a vote of confidence.

Although the Assembly can influence the formation of cabinets, its power is limited. If it insists on withholding the granting of confidence, it can be suspended or dissolved. This concern was always present in the minds of deputies in the 1989 Assembly who were leading the no confidence movement. Furthermore, once a vote of confidence is granted, the Assembly needs a two thirds majority to withhold the vote of confidence from a cabinet already formulated.

As part of its political role the Assembly is able to hold debates on many important issues facing the country. It debated the Gulf War and passed resolutions of support and condemnation; it debated the issue of peace negotiations with Israel and adopted resolutions relevant to it; and it debates many of the intra-Arab and international issues in which Jordan has an interest. Although these debates and resolutions have not been binding on the government and the King, they have expressed the general sentiments of the public and may have imposed political

limitations on the cabinet and perhaps the King. The performance of the Assembly in this area was effective, because it did not need specialized information to engage in those debates. Ideology and political orientation of the members constituted sufficient bases to engage in debate on these lofty issues.

B2. Public Policy Role

Each year the Assembly receives from the Cabinet between 40 to 50 bills to be considered and approved. These bills are drafted by the executive and are normally assigned to a committee for study before being presented for approval by the Assembly in a plenary session. The Assembly has no autonomous, internal bill drafting capability which would enable it to present alternative legislation or to introduce significant changes to executive sponsored bills. It also lacks an independent information base, so is dependent upon information supplied by the executive.

Committee meetings provide occasions for the concerned cabinet minister to explain his proposal and support it with evidence. The minister participates in the work of the committee as any other member. Committee work revolves around seeking explanations, elaborations and clarifications. On occasion committees suggest changes and present them to the concerned minister to be incorporated in the original bill as friendly amendments. If the minister refuses to adopt those amendments, the Assembly needs a two thirds majority to adopt unfriendly amendments. Usually an acceptable accommodation is hammered out.

Once a committee issues its report the bill goes to the plenary. At present there is no record of debate within the committee. The rapporteur of the committee issues a brief outline of the resolutions passed. Debate within the plenary is open to those deputies who were not members of the committee that considered the bill. The overwhelming majority of bills reported by the committees are approved in the plenary.

Bills approved by the Assembly are referred to the appointed Senate. Unless approved by the Senate as proposed by the Assembly (which is normally the case, since the cabinet usually prevails in both houses), the amendments introduced by the Senate must be reconciled with the version adopted by the Assembly. If reconciliation fails, the Senate and the Assembly meet in a joint session, where the bill in contention requires a two thirds majority to be approved.

The role of the Assembly in the public policy process is inadequate. The committees are poorly structured and supported. Committee members have few resources to study or elaborate the bills they receive. Outcome of debates within committee are usually dominated by ministers. Rewards for hardworking committee members are non-existent. They do not receive extra compensation; they have no financial or staff support; and even their contributions in the committee are not recorded to receive

political credit. Committee sessions are also closed to the public. To compound these weaknesses, members of the committee are usually barred from participating in the debates in the plenary session and therefore they do not benefit from media exposure.

Any attempt to strengthen the role of the Assembly in public policy has to address the needs of the committees for information, research, staff support and financial and political rewards of those who work hard therein. Structural changes should be made to the Assembly budget so that resources are allocated more productively among committees. At present all budgetary resources are controlled by the presidents of the two houses and the secretariat, leaving little space for the committees or the members to undertake independent initiatives in performing their functions.

B3. Budgetary Role

One of the most important functions that any legislature can perform is control of the purse strings. It is through the budget that sacrifices and benefits are determined, programmatic priorities determined, and performance standards established and applied to the work of the administration. Yet in all of these areas the Assembly's role is negligible and in need of strengthening. In considering the budget the fiscal committee of the Assembly has no resources even to ask the appropriate questions of the concerned minister. Recently it found itself relying on outdated reports prepared by the Court of Accounts, which is entrusted to report on the compliance of the government with the financial provisions of the budget.

The reports prepared by the Government Accounting Office, theoretically an independent agency, usually contains a list of financial, accounting and procedural violations that may have been committed by the administration, with recommendations for corrections. Because the GAO lacks resources to undertake performance evaluations in a timely manner, its reports are retroactive and largely irrelevant to the proposed budget, which by its nature is future oriented.

B4. Bureaucratic Oversight/Investigatory Role

One of the most important functions that a legislature in a democracy can perform is overseeing the bureaucracy and insuring that its actions are lawful, accountable, and responsive to citizens. In well established democracies, this function is performed routinely during the authorization and appropriation processes. Legislatures have armed themselves with a number of capabilities to perform this function. Some of these capabilities are used routinely, others are employed to investigate important scandals and gross violation of the law by political leaders. Bureaucratic oversight can take a variety of forms as well. It can focus on abuse of power where crimes have

been committed, on poor management, and on neglect and misdirection of resources.

The Assembly in Jordan has little capability to exercise this function, although the constitution grants it such power. In 1992, the Assembly grabbed the headline for several weeks in its well publicized investigation of corruption. Former Prime Minister Zaid al Rifai, a close confidant of King Hussein, and several of Rifai's ministers were investigated and indicted by the Parliament.

To avoid sensationalism and possible retribution by the executive against the Assembly, the oversight function needs to be routinized as part of the daily work of the Assembly. A well functioning legislature may discourage corruption before it occurs and may enforce accountability and responsiveness on the part of the bureaucracy on a routine bases. The strengthening of the committee system and the provision of appropriate and qualified staff to work for committees will help routinize the oversight function.

B5. Constituency Services

Legislatures can link citizens to government and government to citizens through the performance of constituency services. This function has often been cited by legislators from institutionally developed legislatures as both critically important and very time consuming.

In Jordan performing constituency services is not novel nor restricted to legislators. It has a long, cherished tradition. The tribal chief or notable is supposed to intercede on behalf of his tribe or community to secure favors from those in power. Unfortunately, this tradition carries with it negative connotations, since it implies the application of pressure or offering of inducements to secure illegal or undeserved advantages from government. It is associated with corruption and peddling of influence. But if constituency services are provided properly they can make a significant contribution by linking the citizen to the political system and insuring that the bureaucracy is carrying out the law as intended. It could also lead to corrective legislation in those areas where appropriate legislation is lacking.

Jordanian legislators report that their homes and offices in their districts and in Amman (for those who have the means to afford those offices) are usually mobbed with citizens seeking help in one area or the other. Many complained that all their salaries go to serving coffee and tea for those who seek their help. Yet many of those members are helpless in offering any assistance. They lack information on government ministries and the programs they manage. They have no communication capability to get in touch with the appropriate officials or with their constituents, and have no staff to assist them. Not being in a

position to oversee the bureaucracy and insure that citizens are receiving what is their due, members become indebted to the bureaucrat for services that the citizen was entitled to anyway. Through the exercise of the constituency function the deputy becomes subservient to the bureaucrat, instead of being his overseer.

Much can be done in this area to enable the deputy legitimately to serve his constituents with dignity and without undermining his ability to exercise his important oversight function. Such assistance may include space and communication equipment, special allowances for communication with constituents and government officials, and staff assistance on a party or regional basis. Above all the proper performance of the constituency services function requires information about governmental programs and services and how to access them. Without such information the delivery of those services will remain under the discretion and good will of the bureaucrat. The deputy can only beg for services and not demand them as a matter of right.

B6. Linkages

A legislature cannot exist in a vacuum. It needs to interact with other institutions in society to perform its various functions. Its image is not only dependent on what it does, but on how others view and interpret its actions. It needs information from society and it can provide information and education to the citizen on important issues facing the country. The educational function is of critical importance. To perform it adequately a legislature must establish linkages with other significant institutions.

The Jordanian Assembly has made some modest attempts to establish linkages with universities, research centers and the press. Relationships with universities and research centers may ultimately take the form of commissioned public policy research, training and internship programs, or orientation programs for the deputies conducted by experienced faculty, as is done elsewhere.

Relationships with the press require a capability within the legislature to explain the rationale of its work, and ability on the part of the press to understand the environment of the legislature. This involves training and internship programs, communication equipment for the press to report on the activities of the legislatures, joint seminars and other orientation programs. In both cases the relationship needs to be properly structured to take advantage of the positive characteristics of the two institutions, while respecting their separate and special cultures and missions.

C. Category Three Legislatures: Egypt as an Example

The People's Assembly (PA) has a multitude of constitutionally defined roles. For example, it is within the competence of the PA to nominate the candidate for the presidency, who then must be approved in a general referendum. The PA discusses policy statements made by the president and comments on the proposed general policies. It also receives, comments on, discusses and approves government programs. It discusses and approves declarations of states of emergency and states of war. It considers and approves proposed amendments to the constitution whether proposed by the president or requested by the PA members. It approves the bill of the Plan and the Budget. It studies and approves the report of the final accounts presented by the Central Auditing Agency and the Ministers of Finance, Economy and Foreign Trade. It discusses and suggests amendments to bills. It studies and approves emergency decrees issued by the executive. It considers and ratifies treaties and international agreements referred to it by the executive and specified in the constitution.

Despite these nominal constitutional powers, the PA operates within severe constraints. One is the domination of it by the ruling party. Of the 454 members, 410 belong to the National Democratic Party. Of the remaining 44, 10 were appointed by the President or represent minority opposition parties that decided to contest the election. Other constraints operate at the level of the performance of specific functions.

C1. Public Policy

Though the constitution empowers the legislature individually and through its committees to propose bills in all areas of public policy, the practice has been that all major legislation originates in the executive and is transmitted to the legislature for approval. Once in the legislature it is considered pro forma by the whole body and immediately referred to committee for consideration. The report of the committee is then submitted to the whole Assembly for approval. Both within the committees and in the plenary, bills are scrutinized and debated. Ministers and their representatives appear in front of committees or the plenary to defend their proposals. Members present suggestions and occasional amendments to proposed bills. It is up to the government to accept or reject those proposals and amendments. Quite often an accommodation is reached with the executive to accept certain changes that the legislature deems necessary.

Proposed legislation referred to the PA often deals with general policies and directions. Ministers are often left to draw up the details and to provide implementation guidelines and standards. These are often issued through executive or ministerial orders and are not subjected to legislative approval.

Bills proposed by members of the PA face a number of impediments. Members do not have any assistance to draft bills. A bill presented by a member must first be approved by the Suggestions and Complaints Committee. If approved, it is then referred to the Judicial and Constitutional Committee to determine that it does not conflict with existing legislation and that it meets certain constitutional and legal requirements. It is then referred to the Plenary to be referred in turn to the appropriate committee. If approved by the Committee, it is referred back to the plenary for final debate and approval. At every stage the government party can derail an opposition bill, if it so chooses. The appearance of stronger, legal opposition political parties in the PA may ameliorate this problem.

C2. Budgetary Role

The budget requires the approval of the PA, like any other bill. Once received by the PA it is referred to a special committee composed of the Plan and Budget Committee and the Chairs of all other subject committees, of which there are 18. The Plan and the Budget Committee is composed of 11 members. The PA has no authority to change the budget without the agreement of the cabinet. It can, however, by an absolute majority, reject it. That has never happened. If it did, it would be considered a major confrontation with the executive, which could lead to the dissolution of the PA. In recent years Ministers of Finance have used conditionality imposed by the IMF to reject attempts by the PA to introduce changes in the budget.

Normally, the PA studies the budget and recommends to the cabinet changes and general policy guidelines. The cabinet is free to accept or reject those suggestions. Quite often it accepts some of the general principles and sticks to its own proposals on the specifics. It promises to take the members suggestions into consideration when implementing the budget. But since the budget document is based on general estimates and guess work, and does not represent actual obligation of funds, the executive is left with a wide margin of discretion to determine real expenditures. As a result the budgetary process is perfunctory and largely superficial.

The PA has no capability to study the budget's various components or to follow up on its implementation. Even the Central Auditing Agency does not have the capability to do a performance or program evaluation audit. It simply undertakes fiscal auditing. Those capabilities need to be developed both in the executive and in the legislative branch. As far as the legislature is concerned, it needs both analytic capability to study the budget once it is presented, and an oversight and follow up capability to evaluate the implementation of the budget.

The Chairman of the Plan and Budget Committee feels that appropriate information and staff support is needed to help the

PA in its debate of the budget. He acknowledges, however, that the role of the PA in the budget process is not only a question of more information. The ad hoc nature of the Committee that deals with the budget weakens its effectiveness. The addition of all chairmen of other committees to the Plan and Budget Committee undoubtedly weakens its coherence and effectiveness.

Another factor that weakens the effectiveness of the Plan and Budget Committee is the nature of the presidential system in Egypt. By combining both parliamentary and presidential features in one system, it gives the executive additional power over the PA. Although the cabinet is constitutionally required to obtain a vote of confidence from the PA, it is not held collectively responsible for its actions. If a disagreement develops between the cabinet or one of its ministers and the PA, the matter is referred to the president. If the president sides with the cabinet, the issue is referred back to the PA for reconsideration. If it fails to be passed by a two thirds majority, the issue is considered moot and the cabinet wins. If it passes with a two thirds majority, the president can put the issue to a referendum. If it fails to receive the majority of the vote, the PA is dissolved and a new election is scheduled.

It is for these reasons that confrontation between the PA and the cabinet are not likely. Appropriate information to the PA would help the Assembly to negotiate with the cabinet and perhaps convince the cabinet to accept modifications to proposed legislation. It is not likely that additional information would cause the Assembly to reject legislation deemed important by the cabinet.

C3. Oversight

Closely related to the budget function is the oversight function. The PA, according to the constitution, is expected to oversee the executive. With a few minor exceptions, this function has yet to be performed. Theoretically the PA is served by the Central Auditing Agency which is required to present a yearly report on the implementation of the budget and how the various departments performed in previous years. Although this annual report does not deal with program evaluation or policy alternatives, informed sources assert that it does provide significant information on the performance of the administration. Unfortunately the report of the Central Auditing Agency is not made public. It is reviewed by the General Committee of the PA and then referred to the government for action. It is up to the government to decide whether to implement its recommendations or whether punitive actions should be instituted against violators.

C4. Constituency Services

This is a well developed function of the PA, since it fits within accepted political and social norms. In various ways constituents forward their demands to members and expect services

in return. A standing committee to consider suggestions and complaints has been established.

While the performance of services for constituents is an accepted function, few resources are dedicated to it within the PA. Each member uses his own resources and networks to respond to demands from the electorate. No staff or system of information is in place to handle this function. Instead, the informal network of families, friends and the good will of bureaucrats are the accepted means of serving citizens who call upon members for help.

Strengthening this function would serve to tie citizens to the government and to increase the responsiveness of the bureaucracy. It might also allow the PA to begin exercising some oversight over the bureaucracy, although in a limited and personal manner. But one has to be careful not to encourage corruption and special favors. Unless this function is appropriately handled it can result in the establishment of client networks subordinating bureaucrats to legislators for their mutual gain.

C5. Party Formation

Legislatures are the most appropriate forum for the development of responsible and effective political parties. In contrast to underground political parties, legislative parties are provided a forum within which they can formulate programs and communicate them to the public. Legislatures as open arenas allow the development of party leadership that is accountable and sensitive to other parties and their leaders. Legislative work in committee or the plenary encourages both cooperation and contestation. It also allows political parties to refine their positions and at the same time seek acceptable solutions.

Egypt knew political parties as late as the end of the nineteenth century. Between the two world wars, political parties grew and prospered, only to be dissolved or driven underground as a result of the July Revolution. The politics of opening adopted by President Sadat allowed the gradual formation of political parties, first within the Arab Socialist Union (renamed the National Democratic Party) and later within society at large. Although the progress of party formation in Egypt has not been smooth, the fact remains that the legislature is the most appropriate arena for the development of a transparent and responsible party system.

The fate of political parties is closely tied to their representation in the PA. The gradual and peaceful transition of Egypt from one party rule to a semblance of a multiparty system can largely be attributed to the behavior of political parties within the PA and their willingness to compromise and allow this peaceful transition. It is important, therefore, that any

attempt to strengthen the PA also seek directly or indirectly to strengthen political parties in the PA.

C6. Educational Function

The past decade of legislative experience in Egypt has led to the formation of a cadre of politicians well versed in the art of negotiations and compromise, and knowledgeable about public policy issues. The PA in Egypt has embarked on a new experiment with regard to making its debates public. PA debates are televised on a delayed and abridged basis. Radio and the print media provide regular coverage of the work of the PA. While there is no study on the impact of this coverage on public perceptions of the PA, those who take the time to watch the debate will undoubtedly become better informed on the issues being discussed. Recently the SC has made its 81 reports published between 1980 and 1992 available to the public. If this is done in a regular and timely manner it can also serve an important educational function.

Unfortunately the work of committees, potentially a vital source of information for public education, remains secret. The public has no way of knowing what discussions and decisions took place at the committee level. A modern information system in which committee agendas and minutes are recorded may help to address this issue and to increase the educational contribution of the PA.

C7. Morale

A common problem of legislatures lacking adequate external and internal support is low morale of members, which is a chronic problem in the Egyptian PA and SC. members are aware of their lack of information. They refer to their frustration when discussing proposed executive bills or debating public policy issues. They feel their effectiveness is weakened and their ability to persuade and convince is undermined by lack of information. They do have some staff to help in the work of the Committee, but that staff is not adequately trained. Some educated members manage to acquire information using personal means and channels. Institutionally, however, information is lacking.

Members of the PA do not have any personal staff. Indeed, members are not paid a fixed salary, but are compensated only in session and when they attend a session or a committee meeting. They have no offices, no telephones or other means of communication. If they are in a leadership position, such as a committee chair, they have access to some staff. A member without one of the few leadership position is on his own. Any request for assistance must go through the administrative bureaucracy. In view of the preoccupation of the central staff in serving the legislature as a whole, member services are a low

priority. All of these deficiencies result in low morale and widespread absenteeism.

SECTION III
INTERNAL CONSTRAINTS ON LEGISLATIVE PERFORMANCE

In addition to external constraints that limit the capability of MENA legislatures to discharge their constitutional and political functions, internal constraints limit their ability to perform roles. Legislatures may be constitutionally empowered to undertake certain functions, but unable to do so because of political constraints imposed by the executive. We have seen, for example, that the People's Assembly in Egypt is allowed constitutionally to debate the budget. Yet the rules governing those debate are so restrictive and the political consequences of deviating from them are so high, that the scope and effectiveness of the debate are severely limited.

Internal constraints are yet another obstacle to effective legislative performance. They define how a legislature actually discharges whatever functions it is constitutionally or politically entitled to perform. Internal constraints refer to the human, organizational and informational resources available to a legislature. Whereas external constraints determine what a legislature can do, internal constraints determine how it does what it is allowed to do, hence its efficiency. Internal resources cannot by themselves remove external constraints, at least in the short run. In the long run, internal resources can be used to ameliorate external constraints, especially in a context of a political system in the process of transition from an authoritarian to a more open system.

The relationship between external and internal constraints is complex. One would expect that the fewer the external constraints, the less would be internal constraints and the more resources would be available to the legislature to discharge its various roles. This relationship sounds logical, but empirically it does not obtain. The Brazilian legislature under the authoritarian regime between 1964-88 had internal resources second only to the U.S. Congress. Yet during that period its role was minimal. The Costa Rican legislature, on the other hand, had few internal resources, but its role in the political system was critically important. Similar relationships between external constraints and internal capacities exist in the MENA region. The Egyptian legislature, in spite of its external constraints, has the most numerous and sophisticated internal resources. The Lebanese parliament has the most assertive role, but the fewest internal resources.

The relationship between external and internal constraints is determined not only by historical and economic factors, but by ongoing relationships between the legislative and executive branches. The more the legislature is subordinate to the executive, the less apprehensive that executive is in providing

it with internal resources. Thus very weak legislatures obtain resources because they are no threat, while strong ones generate their own. Those at a mid level of development are more likely to suffer from resource deficiencies as executives fear their further accumulation of power and therefore stand in the way of those legislatures gaining further resources.

Specific internal constraints are as follows:

Human constraints. This category refers to the experience, sophistication and leadership qualities of elected members. In those countries with minimal or suspended legislative experience, those elected to the legislature may lack those skills needed to hammer our agreements through negotiations, argumentation and contestation. In countries where political parties have been long outlawed and driven underground, those elected to the legislature from those parties (at least for the first time) are likely to be ideologues, hardliners, and those skilled in the art of deceit and conspiracy. It takes time and experience for such people to develop a level of trust to enter into and accept negotiated compromises.

One of the tasks of legislatures is to designate its leadership. Previously in MENA legislatures leadership was effectively chosen by the executive and that leadership acted on its behalf. Now legislatures in Category II discussed above will be choosing their own leaderships. These new elites will require training and orientation on the institutional needs of the legislature if they are to function effectively. In the U.S., for example, the National conference of State Legislatures sponsors each year a number of seminars, workshops, and panels dealing with legislative leaders, what role they play, what resources they need to play those roles, and how to manage and run a multi-party political institution.

The leadership issue is rendered all the more critical by virtue of another fundamental change that is now confronting MENA legislatures. Those in categories II and III did not formerly have to contend with active, strong and independent political parties within those legislative institutions. Government parties or supporters have predominated. Opposition groups and independents were dealt with on an individual basis or altogether dismissed. But now MENA legislatures are having to deal with meaningful, party based opposition. What type of leadership and what function this leadership is to perform are important questions confronting these institutions. In sum, there is a need to develop the leadership capacities of MENA legislatures so they can respond effectively to their changing internal and external political environments.

Human resource constraints also operate at the level of legislative staff. The Egyptian legislature appears to have the most elaborate organization and broadest staff support. Most countries in the region are closer to the Jordanian model, (which

is described in detail in Annex A), in which support of all sorts, including that of the provision of information, is negligible.

But it cannot be assumed that in the absence of staff and other resources legislators have no access to information or other resources. Lebanese legislators, for example, are better informed than their Egyptian counterparts because they have access to informal resources outside the legislative bureaucracy. A Lebanese parliamentarian may have access to resources provided by his party, his own private office, his family, and/or an informal network within his district or executive bureaucracy. But this informal access depends on the wealth of the member, his education, his family background, and his previous experience. Members who do not have these resources in abundance are disadvantaged in their work as legislators.

The staff support provided to date to MENA legislatures has been limited almost entirely to housekeeping areas and elementary management. Little staff support is given to legislative committees or to individual legislators. This is a potential area for training and technical assistance.

Structural constraints. Political and administrative organization contribute to internal constraints under which MENA legislatures operate. Under authoritarian regimes MENA legislatures relied on bureaucratic structures at the political and administrative level. All legislative activities and resources were tied to the speaker. Within the context of a one party or no party legislature, internal structure did not matter, for had it been it less authoritarian the legislature would still not have exercised much power. But within a multi party context, a bureaucratic structure at the center of the legislature is apt to stifle its ability to discharge its functions.

Procedural and structural mechanisms appropriate to a multi-party legislature could be a topic dealt with in a series of workshops, seminars and panels. The resources available to political parties and the legislative prerogatives of leaders of parliamentary blocs, chairpersons of committees and other legislative leaders need to be addressed. Types and structures of staff and their relationships with legislative leaders, committees, and members need also to be addressed.

Information constraints. This category includes both the human and technical dimensions of information. Legislatures more than most political institutions require a broad array of information to be able to discharge their functions in a timely and effective manner. MENA legislatures, however, have until very recently ignored the information revolution. Only recently some of them have begun to demonstrate an awareness of new information technologies.

Present information capabilities of MENA legislatures do not vary greatly. The Jordanian legislature, whose resources are described in Annex A, has information capacities typical of category II legislatures. The Lebanese legislature, while poor in terms of its internal formal resources, benefits from its autonomy and the nature of the Lebanese political economy which permit at least some legislators to partially compensate for this lack of internal resources. The Egyptian legislature, on the other hand, while rich in terms of internal resources, remains constrained procedurally and structurally so cannot effectively utilize those resources.

SECTION IV
SUGGESTED FUTURE PROGRAMS

The problems and needs of the Jordan legislature are representative of those of other MENA legislatures. Solutions, however, may vary from one country to another and have to be composed on a case by case basis. USAID missions are better equipped than would be a regional program to assist these legislatures with their specific needs and problems. Egypt, Lebanon, and in a more limited fashion, Yemen have developed special assistance programs to address some of those specialized needs.

There are areas, however, where regional programs may be more effective or may be valuable supplements to bilateral arrangements. Programs need to be integrated so that they complement one another. The most conspicuous area of potentially useful cooperation is the development of a uniform legal data base of current legislation in the Arab World. Workshops, seminars and panels dealing with topical issues of legislative institutional development are also relevant.

APPENDIX A
THE JORDANIAN LEGISLATURE

A. Internal Constraints

The 80 elected members of the Assembly have organized themselves into six loose parliamentary blocs in accordance with their political orientation and their position regarding some fundamental issues facing the Jordanian society. The most coherent bloc is that of the Islamic Movement (Moslem Brothers). The Islamic Movement is composed of 22 members out of the 80 member Assembly. Because of its coherency and the support it enjoyed among some members of the other blocs, it was able to elect the Speaker of the Assembly for the past two years. Through its allies it was able to structure the agenda of the Assembly regarding major issues facing Jordan (war and peace with Israel, defining Jordan, position with regard the Gulf War and other fundamental public policy issues). The debates of the Assembly also reveal that the Islamic Movement, in cooperation with other blocs, determined the tone and direction of discussions regarding those issues.

A close ally of the Islamic Movement is the Independent Islamic Bloc. It is composed of 6 members. The other blocs are the Constitutional Bloc composed of 15 members, the National Bloc composed of 14 members, the Democratic Bloc composed of 8 members and finally the Independent Bloc composed of 15 members. These blocs represent an array of demographic, social, economic and ideological groups. In addition to the Islamic tendency, three distinct orientations prevail: Arab nationalists, Jordanian nationalists, and tribal/traditionalists.

Once elected, the first and the most pressing function of any is to organize itself and to elect its leadership. This task in Jordan is done in accordance with the Internal Rules of the Assembly adopted in 1952. These Rules call for the election of an Office of the Assembly and a number of permanent committees. There is no mention of political parties or party leadership in the Rules, political parties having until recently been outlawed.

The Office of the Assembly (OA) is the highest authority within the Assembly and is elected by all members every year on the first day of the legislative session. It is composed of a Speaker, two Vice Presidents and two Assistant Presidents. The OA meets and decides under the overall control of the President who represents the Assembly and speaks on its behalf. The Speaker, assisted by the OA, is in charge of managing the sessions of the Assembly, controlling debates, and setting the legislative agenda. With the President of the Senate the Speaker jointly supervises the Secretariat that serves both the Assembly and the Senate.

Since both the constitution and the internal rules of the Assembly still give the King and the cabinet the leading role in proposing and determining the legislative agenda, in calling the assembly to regular and extraordinary sessions, in suspending the sessions or suspending and dissolving the Assembly, and even in controlling the debate regarding the proposed legislation, the Speaker and the whole OA have very limited power compared to other legislatures. Whatever power the speaker wields at present, stems from the political support gets from his parliamentary bloc and the support of the members at large.

The Speaker does not enjoy the powers of his counterpart in a legislature operating in a presidential system, nor that of a speaker in a parliamentary system, where there is a unity between the cabinet and the parliament. In Jordan, the cabinet still serves at the pleasure of the King, albeit with tacit parliamentary support, at least when the cabinet is being formulated. It is instructive to note, for example, that the cabinet needs a simple majority to win the vote of confidence, while it requires a two thirds majority to lose the vote of confidence. Thus once a cabinet is formulated it is very difficult for the Assembly to remove it.

B. Committees

Another important structure for decision making is the committee. The Assembly has four permanent committees and a number of ad hoc and temporary ones. The four permanent committees include , the Fiscal Committee, the Legal Committee, the Administrative Committee and the Foreign Affairs Committee.

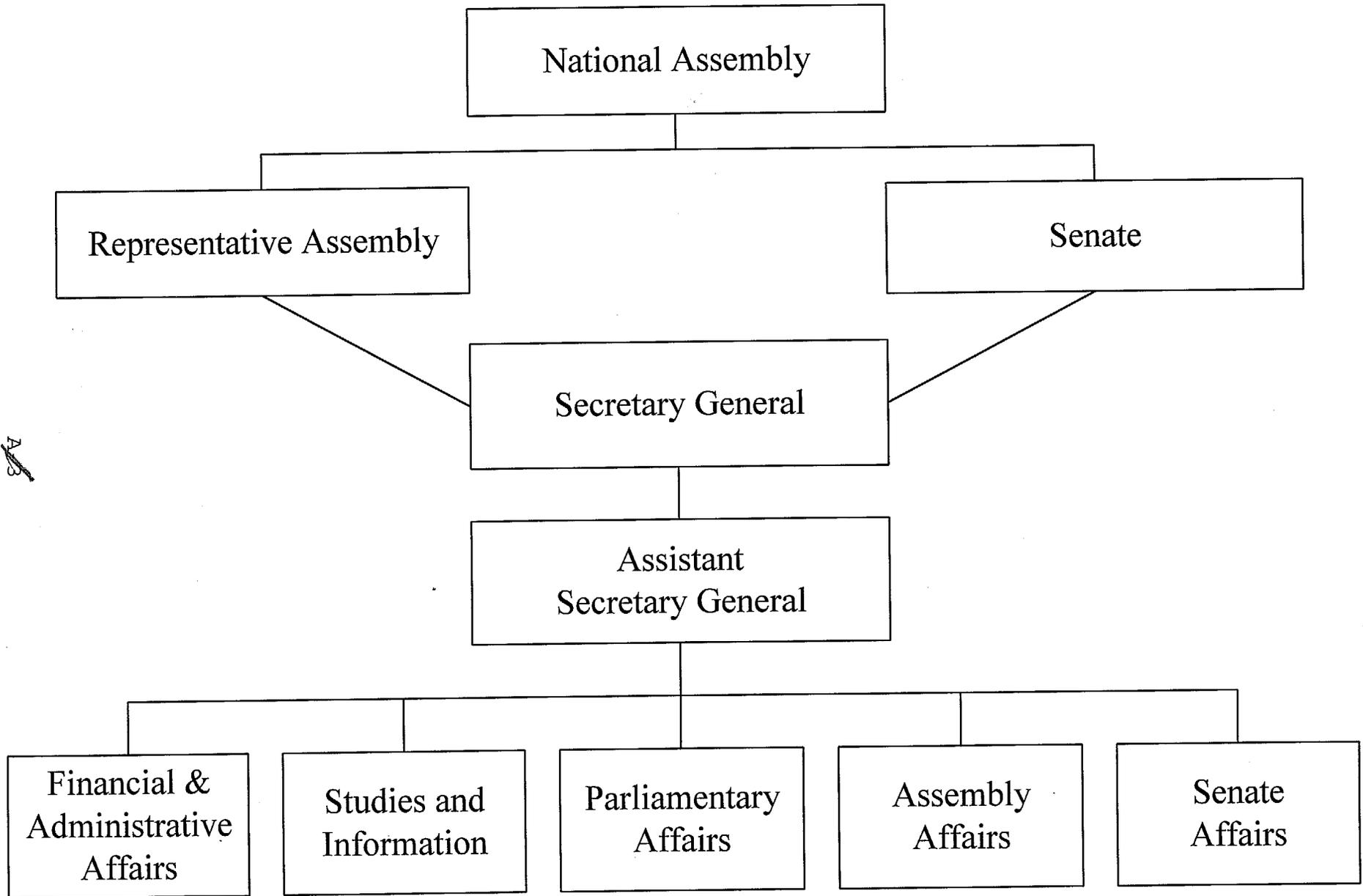
The Fiscal Committee reviews the Budget and insures that the government is conducting its business in accordance with financial plans. The Legal Committee is in charge of insuring that the proposed laws are in accordance with the constitution and prevailing legislation. The Administrative Committee receives petitions and complaints from citizens and groups and insures that they are brought to the attention of the Assembly and the proper authorities in the government.

Eight temporary and ad hoc committees were created at the Assembly in 1992. They include, the committees on Human Rights, Agriculture, Environment and Health, Education, Palestine and Occupied Arab Territories, Rural and Bedouin affairs, Water Resources, and Parliamentary Investigation Committee.

C. The Secretariat

The Assembly and the Senate are served by a joint Secretariat. The Secretariat is headed by a Secretary General appointed by the Cabinet from among the permanent staff of the civil service.

Organization of the Legislature



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D. Structural Dimensions of the Secretariat

In accordance with the recent reorganization of the Secretariat, some new divisions were created and some were consolidated to systematize and increase the effectiveness of the Secretariat and to add services previously not provided. The Secretariat is now composed of five main directorates. Two directorates; Senate Affairs and Assembly Affairs, are in charge of the minutes of the sessions and the committees in each of the two houses respectively. The function of each of these two Directorates is to record the minutes, transcribe and edit them and then send them to the secretarial pool located within the Directorate of Financial and Administrative Affairs. These two Directorates keep the records relevant to each house and perform rudimentary bill status functions.

The Directorate of Parliamentary Affairs is responsible for the relationship of the parliament with other legislatures and international and regional parliamentary associations. It organizes and accompanies Jordanian parliamentary delegations to other countries and schedules foreign parliamentary delegations to Jordan.

The Directorate of the Financial and Administrative Affairs is the largest and at this stage perhaps the most central to the administrative work of the Secretariat. It prepares and implements the budget of the parliament. It prepares and maintains pay rolls. It is responsible for the secretarial pool, the motor vehicle pool, supplies and equipments, maintenance and all personnel matters. At present it is also responsible for the central computer unit and the library. In accordance with the recent organizations these last two units are expected to moved to the newly established Directorate of Studies and Information.

The Directorate of Studies and Information has not yet begun its work, although a director and assistant director has already been appointed. This unit will consist of up to six researchers who are presently been recruited. It will house a section responsible for research, another section for translation, a third for documentation, information and library and a fourth for the central computer unit.

The present number of employees who have permanent status and work in the Secretariat is 56, including all clerical and secretarial staff. A number of employees are contractual, like drivers, gardeners and coffee servers. The security of the parliament is provided by a special unit detailed from the army and works under its command. It is not part of the Secretariat.

Close to 50% of the employees of the Parliament have some university training. The other 50% have some secondary education. Recently the Secretariat began recruiting to fill 18 newly created positions. All of these positions will be filled with holders of university degrees in various areas of

specializations. Some of those newly recruited will work in the newly established Directorate of Studies and Information, the others will be assigned as secretaries to committees and the rest will be assigned to the other directorates of the secretariat.

E. Structural Impediments

Weakness of the Secretariat result from its recruitment policies and its relationship to the Assembly. Legislative staff are as a two edged sword. Staff can be used to strengthen an institution, or weaken it. What actually occurs depends on staff structure, conditions of recruitment, and the relationship between staff, on the one hand, and the assembly as a whole, its leadership, committees, political parties, and members as individuals, on the other. In politics information is power. Political strategy requires accuracy, confidentiality and trust between members and staff. Like military strategy, political strategy takes advantage of timing and the element of surprise. Unless the legislative staff are qualified and attuned to the needs of the elected members, they may become an impediment rather than contributor to legislative development.

The Jordanian legislative bureaucracy is dominated by the executive as a result of appointment and prevailing authority patterns. Legislative staff in Jordan has the same status as executive staff, i.e., tenure and selection in accordance with a mythical merit system. Once tenured a staff member is there to stay until he or she retires or chooses to transfer.

The present staff has little in common with the members and the institution they are supposed to serve. The senior staff have been either appointed recently by the executive, or have been serving there during the time when the legislature was suspended or dissolved. Even the new 18 staff members now being recruited are being chosen in accordance with civil service rules, with little input from the leaders and members of the Assembly. The selection procedure is a bureaucratic function coordinated between the Secretary General, the Civil service commission and the National Institute of Public Administration.

The resolution of this serious structural problem requires extensive discussions with legislative leaders and senior staff. It also requires sustainable technical assistance and training programs to develop alternate staffing patterns with appropriate skills and orientations. Unless this issue is addressed early on, it may undermine the long range viability of any serious legislative development program.

Another structural weakness of the Secretariat is that it has been asked to serve both the Senate and the Assembly, two institutions with diametrically different missions and orientations. The needs of the Assembly, an elected body representing districts and groups in the country, are different

from those of the Senate, an elitist institution appointed by the King.

F. Equipment and Physical Facilities

The Secretariat is housed in adequate space within the main building of the parliament. However the equipment it uses is inadequate and outdated. The senior administrative staff have telephones with outside lines, but their subordinates either do not have telephones in their offices, or have telephones connected to an internal telephone exchange. None of the senior employees have computers or any other types of machines (typewriters) to help them in their work.

The central computer unit has five IBM 286 personal computers, two VGA monitors and 3 EGA monitors, a Novell server 3.10 with two hard discs, 380 mb and 33 mb micro processor. It also has two Epson printers, one Microfiche/Hybrid Micrographic, one viewer and one 3M 261 Duplifice printer. This LAN has a backup electric system unit with 10KV capacity. The software used by this LAN include Wordstar v.6, Windows, dBASE IV, Arabic Publisher (CCS), and Lotus 123.

In the Library there is one PC 20 MB EGA monitor to create a bibliographic list of the contents of the reference library. The software is a local production designed in Jordan. The photocopying center has a total of old fashioned META machines (DC-3132) with a capacity to produce 20 copies with a sorter.

At present the central computer unit is headed by a staff member with a M.Sc. degree in computer science, assisted by staff member with a B.Sc. in computer sciences. There are three processors to input the information. The computer unit has several projects currently underway. It has begun to index all Jordanian laws by number, subject matter and date. It also has begun to input the constitution and current laws, accompanied by interpretations. It has plans to create a legal database, a juridical database, and Royal Statements database, as well as to compile Ministerial statements, royal decrees, ministerial decrees, financial data, personnel records, inventories, and eventually a database containing the minutes of the sessions and committees.

Present equipment is not adequate to perform these tasks. There is a need to acquire new equipment, to hire new staff and to train existing staff on database construction and utilization of the data to help the parliament performs its duties. A preliminary assessment of the equipment needed has already been performed by a vendor hired by the parliament.

The work being done in this unit is innovative and has implications for work patterns and productivity of all units of the Secretariat. It will help the Financial and Administrative Directorate by enabling it to automate its financial, personnel,

payroll, purchasing, and inventory records and operations. It will enable the secretarial units to multiply their services and increase efficiency. With the addition of a desk top publishing capability, the official gazette that includes the minutes of the sessions can be prepared, edited and published internally. Not only will this save funds, it will reduce the time it takes to publish the minutes from several weeks to a few days.

These new applications proposed by the computer unit of the secretariat will be essential for the Directorate of Studies and Information. It will enable this Directorate to undertake bill reference, bill research, and eventually bill status and bill drafting. It will be invaluable to the secretaries of the committees in performing their work of providing the relevant information to the committee.

Finally, the work of the Directorates of Senate Affairs, Assembly affairs and Protocol Affairs will be simplified, and done in an accurate and speedy fashion. The proper implementation of these programs and the need to pay special attention to the users of these programs will result in an integrated system of information that would transform data into information and warehouse storage into a center of documentation and information. For this desired change to take place, it is not only equipment that will be needed, but also specialized training and technical assistance as well.