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**PALESTINIAN EXECUTIVE AUTHORITY  
MINISTRY OF JUSTICE**

**DIWAN AL FATWA WA AL TASHRI**

**ORGANIZATIONAL MANUAL**

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July 15, 1997

**T0: ALL SENIOR STAFF**

The accompanying Organizational Manual describes the plan of organization for the Diwan Al Fatwa Wa Al Tashri. The primary purpose of this Manual is to ensure that all personnel will have a complete and accurate understanding of the new organizational arrangements. Position relationships are described both in chart form and as part of a series of job descriptions. They should give each Director a clear understanding of his/her role and the roles of others in the organization. Each individual is responsible for performing the assigned duties and for properly carrying out his indicated relationships with others.

All Diwan senior level officials should study the introductory section carefully, since it describes, among other matters, the responsibilities, relationships, and other elements common to all managerial positions. These common elements are not specified in the individual position descriptions, but should be considered an integral part of every Director's position. The discussion of line and staff relationships will contribute to effective and harmonious relations between the equally important line and staff functions of the Unit.

As the Diwan grows, this Organizational Manual will be revised to reflect the corresponding changes in organization structure. Charts and position descriptions should be kept up to date, and revised copies issued as necessary. These revised charts and position descriptions will be the official means of implementing approved changes. The Supervisor of Management will have general responsibility for updating this Manual.

Ibrahim Al Daghma  
Head

## **I. INTRODUCTION**

### **A. Overview of Manual**

This introductory chapter explains the purpose, content and use of the Organizational Manual for the Diwan Al Fatwa Wa Al Tashri (Diwan) within the Ministry of Justice. Also presented are the elements common to all management positions and an explanation of the content of the job descriptions. A guide to line and staff relationships completes this chapter.

#### **1. Purpose**

The overall purpose of this Organizational Manual is to explain to all members of the Diwan the plan of organization of the Diwan. It includes the organization charts, position descriptions, information on working relationships, and other material necessary to lay the foundation for the Diwan to achieve its mission.

A more specific purpose of this Organizational Manual is to give each member of management a clear, official statement of his/her principal duties and responsibilities and relations to others. By giving individuals a clear concept of their individual duties and the part they are expected to contribute to the attainment of the Diwan's objectives, this Organizational Manual should enable them to work together more closely and effectively toward these common goals.

Misunderstandings between superior and subordinate on matters of authority, freedom of action and the like should be reduced. Also, misunderstandings between persons in different activities should decline as each gains a better understanding of the responsibilities of the other and as they learn how their tasks are related.

Finally, the Manual helps to stabilize the Diwan, permitting a planned approach to any future changes in the organization. Position descriptions and organization charts are a means of formally recording such changes and communicating them to appropriate individuals.

#### **2. Use**

An Organizational Manual and position descriptions require that the responsibilities and authorities they assign be respected in practice. Each person receiving this Manual should use his/her position description, the organization chart as reminders of his/her duties, responsibilities and authorities, and relations to others. The position descriptions should help distribute energies appropriately among various duties and responsibilities, and to coordinate efforts with other members of management. Supervisors should ensure that organizational information is available to supervised employees.

All activities should be conducted in accordance with the assigned responsibilities and authority specified in the Organizational Manual and follow the approved policies and procedures established in other official communications of the Diwan. It is not the intent of this manual to smother initiative or imply that organization is static. Each individual should review his/her unit periodically to determine whether changes in the plan of organization or assigned duties are warranted. If this review results in change(s) in position(s), or affects the content or scope of responsibilities of any of the positions, such factors should be recorded in the unit's organization chart, staffing lists and position descriptions.

The Organizational Manual should help supervisors carry out their personnel responsibilities. When positions are to be filled through promotion, transfer or new hire, the Manual can help determine position requirements. Similarly, in rating managers' performance, effectiveness in carrying out assignments specified in position description should be a major factor.

### **3. Distribution**

This Organizational Manual is designed to enhance efficiency by clarifying responsibilities and relationships among members of management and should be freely circulated. Complete Manuals are furnished by the Head to the Directors. Appropriate sections of the Manual are distributed to others for whom position descriptions appear in the Manual to furnish them with the organizational information needed in their work.

### **4. Maintenance**

To be useful, this Manual must depict accurately the Diwan's current plan of organization. Any individual aware of a need or desiring to change the plan of organization should submit a request or suggestion in writing through organization channels to the Ra'ees. The Ra'ees reviews and edits position descriptions and organization charts for publication in the Manual and revises staffing lists.

Proposed position descriptions are also circulated for review and comments from the heads of organizational units in the Diwan having working relationships with the new position or affected by the functions to be changed. Any requested changes must be approved by the Head of the Diwan. Revisions must be issued to all holders of the Manual.

## **B. Elements Common to All Management Positions**

Many responsibilities, authorities, limitations on authority, and relationships are common to all Diwan management positions. Individual position descriptions define only responsibilities, authorities and relationships which are specific to each position or which differ in some way from the common responsibilities, authorities and relationships listed below.

## 1. Common Responsibilities and Authorities

- a. Setting Objectives and Policies and Effecting Coordination
  - i. Develop specific objectives, plans and policies within their assigned areas of responsibility, in keeping with the overall mission, plans and policies of the organization, and submit key elements to superiors for approval
  - ii. Forecast personnel, financial, material and other requirements.
  - iii. Effect appropriate control and coordination of the activities of the various organizational units which they supervise
- b. Organizational Planning
  - i. Establish and maintain an effective, economical organizational structure to administer the functions they supervise
  - ii. Ensure that each subordinate is responsible to one single line superior only
  - iii. Define objectives, functions, responsibilities and relationships of supervised positions and ensure that subordinates understand relations to other positions
- c. Personnel Administration
  - i. Appoint to positions within their scope of authority; train subordinates to carry out their duties; evaluate each member's contributions, recognize and increase compensation for superior work; promote, transfer, release and otherwise change the status of individuals directly supervised.
  - ii. Ensure the development of follow-on (replacement) personnel
  - iii. Direct day-to-day activities of organizational unit, ensuring a capable work force, maintaining work standards and discipline, and taking corrective actions
  - iv. Simplify work, increase personnel productivity, and reduce costs.
  - v. Build productive human relations and promote loyalty and team spirit
- d. Financial Administration
  - i. Prepare or review operating budgets and submit budgets to higher authority

- ii Exercise control over expenditures, after budget amounts are approved
- e Methods and Procedures
  - i Approve and install minor changes submitted by subordinates.
  - ii Recommend major changes in methods and procedures to higher authority

## **2. Common Relationships**

- a Explain to subordinates objectives, plans, policies, programs and procedures of the Diwan and the organizational units for which they are responsible
- b. Plan and schedule the activities of subordinates, assign their work and supervise them in achieving established objectives, plans, policies, see that subordinates do likewise, develop necessary controls to ensure the attainment of unit's objectives
- c. Inform immediate supervisor on all matters concerning their activities for which the supervisor is responsible, or which might adversely affect the unit's welfare.
- d Submit to supervisor suggestions for improvement in their business.
- e Maintain relationships with executives for whom advice or services are rendered
- f Upon the specific invitation of immediate superior, participate in any working relationships the superior deems suitable.

## **3. Approvals and Submittals**

- a All individuals submit major matters of policy, procedures or other major non-routine actions to their superior for approval before putting them into effect
- b All individuals submit to their superior periodic reports on major elements of the work under their direction
- c. All Directors either approve major actions of their subordinates or submit them to higher authority, analyze reports prepared by their subordinates, take corrective action and release reports for distribution to other organizational units.

#### **4. Freedom of Access**

This Manual should not curtail the right of any member of the organization to approach any other member directly. Direct access is important to healthy personnel relations. However, while individuals should be free to exchange ideas throughout the organization and to deal with one another regardless of echelon or function, the orderly conduct of the business requires that instructions and orders at all times strictly follow organizational channels.

#### **5. Exercise of Judgment**

The function of a position description is to outline the responsibilities and authorities of the position, and it is an effective guide to performance, however, it cannot cover all contingencies. Consequently, a position description is not a substitute for judgment and cooperation. It is a guide, not as a limitation on the initiative, creativity or cooperativeness.

### **C. Contents of Position Descriptions**

In addition to the elements common to all management positions, outlined above, each individual has specific functions unique to his/her position. These functions are described in the individual position descriptions included in this Manual under the following headings:

#### **1. Basic Function**

Summary of the functions for which the incumbent has been delegated both responsibility and commensurate authority.

#### **2. Duties and Responsibilities**

Principal duties of the position for which the incumbent is responsible and accountable. Policy making and planning responsibilities are indicated first, followed by responsibilities for developing, establishing or implementing procedures, and concluding with the remainder of the incumbent's duties.

#### **3. Subordinate Positions**

Supervisory and key positions reporting directly to the incumbent. For staff managers, positions to which the incumbent provides functional direction are stated.

#### 4. Relationships

- a. Internal Special relationships with positions in other organizational units within the Directorate which are necessary to the function performed Omitted are operating relationships with subordinates and superiors, and regular staff relationships of advice, service, coordination or supervision.
- b. External. All relationships with persons outside the Directorate which are important to the successful performance in the position. Included are relationships with individuals and groups, such as counterparts in other ministries.

#### D. Nomenclature

This section defines the rules governing: (1) designations for organizational units, and (2) titles for the positions which supervise these units.

<b>Organizational Level</b>	<b>Unit Designation</b>	<b>Position Designation</b>
1 0	Diwan	Head
1.1-1 5	Directorate (Line)	Director
1.1 1	Section (Line)	Senior Legal Researcher
1.1 1.1	Branch(Line)	Supervisor
2 1	Unit (Staff)	Supervisor

#### E. Guide To Line And Staff Relationships

A general understanding of the nature and basic kinds of staff functions and their relation to line activities is important to developing an effective organization The following comments regarding line and staff functions are intended as a useful guide both to line and staff individuals in performing their respective functions and in achieving the desired cooperation between line and staff in furthering the over-all interest of the Diwan.

Within the Diwan, the line functions in addition to the Head include four operating directorates These directorate are Legislative Drafting; Legal Advice, Contracts and Agreements and the Civil and Administration Litigation (future function); and the West Bank Branch

THE Diwan's staff functions are the following: Library and Linguistics and the Diwan Management.

There are five kinds of functions are represented in the organization plan line supervision, staff advice, staff service, and staff coordination, and staff supervision. This section also considers some implications inherent in these five functions.

### **1. Line Supervision**

A line supervisor directs an activity. He/she issues orders, and plans, controls and supervises the tasks of subordinates in order to get the work done through them. In other words, the line supervisor directs subordinates on what to do and, in turn, is responsible for results All managers, whether they are basically line supervisors, staff advisers or coordinating managers, exercise line supervision over their own immediate subordinates.

### **2. Staff Advice**

Perhaps the most characteristic staff function is that of providing advice to the line organization regarding a specialized field or functional area

The relationships between line and staff regarding this advisory function should be such that line managers are free to seek such assistance only if, in their opinion, they require it Usually, staff advice should be given in response to a request by a line manager, although the working relationships between line and staff should allow a staff executive to accept it in the cooperative spirit in which it is given

In giving such advice, a staff executive does not exercise any direct line authority over the line organization Thus, it is not mandatory that line executives accept staff suggestions from a staff manager Nonetheless, line executives should regard staff advice as a form of recommendation because it is based on expert knowledge of, and advanced skill in, a particular specialty. As a general rule, therefore, staff advice is usually accepted by the recipient unless there are significant reasons for doing otherwise. Staff advisory responsibility is indicated in a position description by the phrase, "provide advice to .in matters relating to....," or a similar phrase to describe this type of staff activity.

### **3. Staff Service**

In addition to providing advice, staff agencies may also provide services to other organizational units because the services can be performed more effectively and efficiently on a centralized basis, or because the various departments cannot justifiably support the necessary skills and equipment The use of the staff service by the line organization is mandatory because of the

greater economy and generally more effective performance attainable on a centralized basis. Where significant questions of cost or quality of performance are not involved, use of the staff service is at the discretion of line management.

In providing services to the line organization, the staff agency does not attempt to make decisions for the line organization or in any way assume line authority. For example, a personnel section interviews and tests applicants and may make hiring recommendations, but the final authority to hire remains with the line manager involved. Staff service responsibility is indicated in a position description in the section describing basic function by the phrase, "provide service to . . ."

#### **4. Staff Coordination**

Another function performed by various staff agencies is that of coordinating the activities of two or more organizational units in order to ensure consistency, prevent duplication of effort, avoid omissions in programs and achieve optimum over-all results. In exercising their coordinating responsibilities, staff managers do not exercise any direct line authority over other segments of the organization. They may not issue directives or orders. Staff coordinating responsibility is indicated in the position descriptions by the terms, "coordinate. . .", or a similar phrase to describe this type of staff activity.

#### **5. Staff Supervision**

Finally, staff agencies often have responsibility for exercising an indirect control over the line organization regarding the performance of certain functions. The role of staff supervisor is frequently misunderstood. The following comments may help to make it clear.

##### **a. Definition of Staff Supervision**

To state the matter in the simplest possible terms, the top executive in any organization cannot do everything that must be done. He/she has neither the time nor, typically, the knowledge, because a modern organization is much too complex for a single individual to possess all of the knowledge required to direct it. Under these circumstances, he/she needs specialized assistance in various key functional areas, such as Finance, Control, Legal and Administrative relations. Thus he/she appoints individuals to represent him in these aspects of his role as the top executive.

These key staff supervisors are, to all intents and purposes, the eyes and ears of the top executive, in the functions which they represent. Obviously, however, it is not feasible to allow these staff supervisors to give direct line orders to members of management in other organizational units. It is a basic principle of organization that a person may have only one line superior. Accordingly, staff supervisors exercise staff supervision rather than line supervision over appropriate individuals in other organizational units.

Staff supervisory responsibility is indicated in a position description in the section describing basic function by the phrase, "exercises staff supervision "

b. Exercise of Staff Supervision

In exercising staff supervision, a staff individual should clear key plans, programs, policies and decisions with the Head of the Diwan before they are regarded as official and are communicated to others. Careful adherence to this practice strengthens the position of the staff supervisor and reduces the number of appeals from his suggestions.

All major staff instructions (such as policy changes and technique changes which, in their implementation, have the effect of policy changes) emanating from the Diwan be Ra'es should flow through line channels and be transmitted through the line individuals having key management responsibility and authority. For other staff instructions involving, for example, minor technical matters, the channels need not be closely observed.

In developing major staff instructions for issuance through the channels, staff individuals should give full consideration to the opinions of the line individuals responsible for implementation of the instructions. Direct interchanges of ideas and information should exist between management staffs and their counterparts at all times and at all levels of the organization regarding the technical or specialized phases of their activities.

**6. Implications for Relationships**

These concepts of line and staff just reviewed have certain implications for relationships.

- a. A line supervisor must understand that it is the responsibility of staff advisory and service individuals to provide required advice or service in their responsible areas; the supervisor, in turn, is expected to take full advantage of this advice and service.
- b. A line supervisor must understand that it is the responsibility of staff supervisors, as representatives of the Head, to lead in their functional areas, and the supervisor must take full advantage of the assistance and guidance thus available.
- c. The existence of staff supervisors does not relieve line supervisors of their responsibility or weaken their authority. Line supervisors do not share responsibility or authority with staff supervisors, but use their advice and service to accomplish responsibility, retaining full accountability and authority for successful performance.
- d. Staff advisors and staff service supervisors must recognize that their sole purpose is to provide advice or service in their specialized functional areas to other organizational units, and that they are expected to refrain from interfering in operating activities.

- e Staff supervisors must understand that they act in an advisory or counseling capacity, and that they may not give direct orders to other members of the organization.
- f. Staff supervisors must recognize that their guidance is given as representatives of the Head and is so regarded by those receiving them. Thus, it is important that the counsel they provide be sound and practical. They must accept the fact that line individuals may on occasion appeal their suggestions to higher authorities.
- g All individuals in a line and staff organization must recognize that they have an obligation to their organization and themselves to learn to perform their responsibilities in a productive and harmonious fashion.

## **II. MISSION STATEMENT**

### **A. Overall Objectives**

Within the context of the proposed Interim Constitution of the State of Palestine and other relevant decrees and statutes promulgated by the Palestinian Executive Authority, governing the current administration, the long term, overall objectives of the Diwan Al Fatwa are to:

1. Enable the executive branch of the government to uphold the Constitution with regard to ensuring the rule of law.
2. Serve as the institution primarily concerned with ensuring sound drafting of various forms of statutes and legal instrument.
3. Be a focal point for the management of the legal and law-making system (all aspects policies, professional expertise, operations, etc ) within the country

### **B. Specific Objectives**

In accordance with the above stated overall missions, the Diwan Al Fatwa will have the following specific objectives and goals

1. Ensure that sound and professional practices are utilized in formulating and drafting laws and legal instruments and that the rule of law is fully upheld.
2. Ensure that sound and professional level legal services, in the form of legal opinion and advice, are rendered to all government ministries and institutions, as and when required
3. Develop and maintain a sound legal drafting system through which all government legal documents are properly prepared and reviewed.
4. Establish and maintain a sound system through which all government civil and administrative litigation is carried out effectively.
5. Introduce and maintain an effective system for compiling and publishing the official Government Gazette and other related government legal publications.
6. Provide effective review, harmonization and unification of all laws and related regulations within the Palestinian jurisdiction.

7. Develop and maintain a sound and reliable legal reference library and data bank as a basis for legal research and analysis.
8. Develop and maintain professional expertise in legal drafting and make such expertise available to other government ministries and institutions as appropriate.
9. Ensure that the Diwan Al Fatwa Wa Al Tashri is effectively managed in terms of maintaining highest professional legal standards, achieving efficiency in day to day operations, securing optimal use of all resources (financial, human and material) allocated to it, and ensuring that its overall objectives are fully achieved

### III. FUNCTIONS

Within the context of its approved overall mission and specific objectives, the Diwan will undertake key functions in the following areas in order to achieve the approved objectives

**A. To “[ensure] that sound and professional practices are utilized in formulating and drafting laws and legal instruments and that the rule of law is fully upheld,” the Diwan will:**

1. Define the purpose, role and scope of the legal drafting services provided by the Diwan Clarify what is to be covered under legal drafting, to whom such services are provided and under what terms. Ensure that these provisions are uniformly and consistently applied
2. Define and introduce sound professional guidelines and standards for legal drafting Ensure that such guidelines are known to all Diwan staff and that such standards are effectively applied in the day to day operations of the Diwan
3. Develop and install a system for processing all law-making proposals received by the Diwan; the system to cover all stages of the process from initial draft submitted by a client organization through final approval by an appropriate authority Such system should be known to all those concerned and uniformly and consistently applied
4. Design and maintain an internal system of legal drafting ensuring high quality legal drafting, encouraging specialization, distributing work evenly to professional staff and optimizing work output The system to cover research, methodology, classification of briefs, etc Introduce methods of cross checking and quality assurance.
5. Develop and maintain system of record-keeping for legal drafting documents and keeping documents secure and accessible by authorized personnel Maintain a technical and reference data bank.
6. Maintain liaison with client ministries, national institutions, and other relevant offices within the MOJ and the Secretariat of the Cabinet.

**B. To “[ensure] that sound and professional level legal services, in the form of legal opinion and advice, are rendered to all government ministries and institutions, as and when required,” the Diwan will:**

- 1 Define the meaning, role and scope of legal opinion and advice related services to be provided by the Diwan. Specify the terms and conditions of these services and ensure that the recipients and providers of these services are fully aware of these aspects.
- 2 Define the principles and professional standards to be applied in providing legal opinion and advice. Determine the nature of analysis to be undertaken, how advice will be channelled, the role of the Diwan if legal advice is ignored, situations in which advice may not be rendered, etc. Ensure that such standards are made known to all professional staff and are applied consistently.
- 3 Develop and operate a system to process requests for legal opinion and advice; the system should encourage specialization, even work distribution, progress reporting, and follow-up actions. Maintain records of services rendered and legal reference materials
- 4 Establish mechanism through which the Diwan is represented in various forums, conferences, commissions, associations, etc , local , regional and international. Ensure that Diwan representatives are briefed and debriefed and follow up actions are taken

**C. To “[develop] and maintain a sound legal drafting system through which all government legal documents are properly prepared and reviewed,” the Diwan will:**

- 1 Define the purpose, scope and terms of providing services in the legal drafting of contracts and agreements. Clarify the role of the Diwan in the event of disagreement of any party on the terms of the contract. Ensure that both the providers and recipients of these services are fully aware of these conditions.
- 2 Develop and introduce professional guidelines and standards to be applied in providing legal drafting services for contract and agreements. The guidelines should allow for variations in the legal requirements of the different countries party such contracts. These guidelines should be known to all professional staff and adhered to strictly.
- 3 Develop and implement an internal system for processing of all requests for legal drafting of contracts and agreements. The system should define the stages through which contracts will be processed, the analyses to be conducted, classification and specialization, involvement of parties during the drafting stage, securing agreement on the final draft, formal signing and sealing of the contracts, and the role of legal researchers in the process.
- 4 Design and install a system of contracts record keeping. The system should ensure that contracts are classified and catalogued, all supporting documents are attached, copies of signed contracts are securely stored and accessible only to authorized staff Make use of modern data processing and storage technology as appropriate.

**D. To “[establish] and maintain a sound system through which all government civil and administrative litigation is carried out effectively,” the Diwan will:**

- 1 Define the purpose, role and scope of the Diwan in providing litigation services Define the terms and conditions for such services and ensure these are known to all government and public sector institutions.
- 2 Develop and institute the principles, guidelines and professional standards to be applied in providing litigation services, ensure that these are known to professional staff of the Diwan and consistently applied in practice.
- 3 Design and operate an effective internal system of providing litigation services covering all stages of processing a all litigation, including assessing feasibility of litigation, forms of settlement, liaison with client institutions, and follow up matters as necessary.
- 4 Develop and operate a system of litigation records keeping, including handling of dockets, safe custody of evidence documents and articles, judgment decisions and all other authentic material used for litigation purposes.

**E. To “[introduce] and maintain an effective system for compiling and publishing the official Government Gazette and other related government legal publications,” the Diwan will:**

- 1 Define the purpose and scope of publishing Official Gazette and other legal documents and the role of the Diwan in this regard These aspects should be made known to all government institutions and other users of the Gazette. Define the coverage and terms of printing , publishing and distribution of these material.
2. Develop and operate a system of compilation, classification editing and printing of Official Gazette and other legal documents Coordinate with the Government Printer and the agencies providing relevant material, serially number the Gazette and publications
- 3 Develop and maintain a system of record keeping of all Gazettes and publications; secure master copies and provide safe custody of master copies for authenticity and future use
- 4 Design and operate a cost effective system for distributing the Gazette and publications, including list of authorized recipients of these publications, record of subscribers, cost of printing and distribution, etc.

**F. To “[provide] effective review, harmonization and unification of all laws and related regulations within the Palestinian jurisdiction,” the Diwan will:**

- 1 Define the need and importance of harmonization of laws and related regulations in use within the Gaza and the West Bank, and the role of the Diwan in this respect, including the terms of reference of the Law Review Commissions established by the PEA
- 2 Establish the Law Review Commissions and provide the necessary leadership and support to facilitate its functioning
3. While the Commissions are in session, the Diwan will liaise with them, monitor work progress, review proposals and cooperate for effective completion of their task
- 4 After the Commissions complete their review, formally presented their proposals to the PEA and the PEA has made final decisions on these proposals, the Diwan will ensure that the unification-related decisions are promptly and effectively implemented Design an action program with strict time limits to benefit from the harmonization of the laws

**G. To “[develop] and maintain a sound and reliable legal reference library and data bank as a basis for legal research and analysis,” the Diwan will:**

- 1 Define the purpose, role and methodology of providing Linguistic and Legal Library Services. Create awareness regarding these services among the professional staff of the Diwan and other official users of these services.
- 2 Develop internal capabilities in the field of linguistic services of the Diwan Establish principles and guidelines regarding linguistic standards to be applied in legal drafting, contracts, legal advice, litigation and correspondence. Ensure that professional staff comply with these standards
3. Develop legal library and data bank facilities within the Diwan consisting of adequate legal reference material and computer based legal data bank for reference, research and analysis.
- 4 Design and operate an internal system for professional staff other authorized legal institutions to use the Diwan’s linguistic and legal library services. Compile and maintain an inventory of reference titles, access instructions and method of lending material

**H. To “[develop] and maintain professional expertise in legal drafting and make such expertise available to other government ministries and institutions as appropriate,” the Diwan will:**

- 1 Based on the approved functions and structure of the Diwan and an assessment of legal drafting work load likely in the course of next 3 to 5 years, develop general proposals regarding the needs of the Diwan. The proposals to cover the possible need of seconding professional legal drafting staff of major ministries and institutions.
- 2 Classify the professional staffing needs in terms of discipline, levels, and number, for each major group of users i.e. Gaza, West Bank and major ministries. Make projections for gradual build of staff, over a period of five years, for each user, to attain optimal strength.
3. Develop needs-based job descriptions for each discipline and level of staff
- 4 Reallocate the existing staff based on projected needs and approved job descriptions. This exercise should ensure that minimum level of work output is maintained within the major functional areas of the Diwan, and consider individual staff background and aptitudes
- 5 Assess excesses or short-falls in the staffing under each of the major discipline and level
- 6 If present staff strength is in excess of need, decide on what to do with the excess staff. If there is need for additional staff, seek approval to increase and recruit additional staff
- 7 Assess "performance gap" of existing staff to undertake the new responsibilities assigned, develop needs-based training programs to bridge the performance gap. Develop orientation training for new staff on the Diwan's organizational arrangement and professional practices.

**I. To "[ensure] that the Diwan Al Fatwa Wa Al Tashri is effectively managed in terms of maintaining highest professional legal standards, achieving efficiency in day to day operations, securing optimal use of all resources (financial, human and material) allocated to it, and ensuring that its overall objectives are fully achieved," the Diwan will:**

- 1 Maintain an organization manual containing the Diwan's approved statement of mission and objectives, functions, organizational structure, and the approved establishment of staff and their deployment. The Diwan will ensure that all staff are aware of Diwan's mission, functions and organizational arrangement, purpose and functions of the Diwan should also be made known, as appropriate, to all ministries and the general public
- 2 Develop and institute operational policies and systems of the Diwan, covering key areas of responsibility in legislative drafting, legal advice, contracts and agreements and government litigation. The operational policies should highlight Diwan's role in managing the legal system at executive level, and the need to maintain professional

standards. Develop guidelines for the use of the professional staff, the client ministries and institutions.

3. Develop and maintain budget and resource management systems based on guidelines provided by the Ministry of Finance. The system should enable the Diwan to estimate its financial and other resource needs, secure such resources, ensure their proper deployment and maintain books of accounts and inventories as appropriate.
4. Maintain a system of human resource management covering aspects of clear definition of duties and responsibilities of all levels of staff, staff deployment and reporting relationships, performance appraisal, staff training and development, etc
5. Institute an arrangement through which logistical support services are properly planned, installed and maintained for the professional staff.
6. Introduce a system of public relations to ensure that all customers visiting the Diwan are efficiently attended to and proper liaison is maintained with all internal and external organizations with which the Diwan has regular dealings.

## **IV. ORGANIZATIONAL STRUCTURE**

### **A. Vital Considerations**

While developing proposals regarding organizational structure of the Diwan AI-Fatwa, the following important considerations have been taken into account

- 1 The Diwan exists based on Decree Number 53 published in the Official Gazette of August 2, 1994.
- 2 The approved mission, objectives and functions of the Diwan form the primary basis for designing the structure. The structure is based on the rationale that mission determines objectives; objectives determine functions, and functions in turn determine organizational structure, resource needs (staffing and other) as well as systems and procedures.
- 3 Organizational structure is a means, a frame work, for carrying out the functions of the Diwan, structure is not an end in itself.
- 4 Full cognizance has been taken of the role and importance of the Diwan at the highest levels with all arms of PEA (Council of Ministers, Judiciary and Legislative Council), and the need for effective linkages internally and externally.
- 5 The Diwan's head office structure simultaneously serves two separate and distinct geographical areas: Gaza and the West Bank.
6. Emphasis has been placed on need for accountability, the Chief Executive of the Diwan is accountable for the effective functioning of the Diwan and for attaining its mission and objectives, the structure should enable the head to fulfil this responsibility.
- 7 Full note has been taken of the highly professional, legal, and sensitive nature of Diwan's responsibilities and the serious consequences that may arise, at the PEA level, due to inefficiency and mismanagement of the Diwan; the structure should be aid in this respect.
- 8 The organizational structure should be compact and trim and professional in its day to day functions, there is a need to balance the formal levels and reporting channels while maintaining healthy flexibility in operations and informal linkages.
- 9 The proposals are based on logical and homogeneous grouping of like functions and even distribution of professional workloads.
10. The organization structure of the Diwan is portrayed in the form of a chart. The chart is only a schematic representation of the above stated considerations, concepts, and

pragmatic operational requirements; the chart, therefore, should not be read in isolation of the text describing the logic of the arrangement

## **B. Grouping of Major Functions of the Diwan**

Grouped on homogeneity and logical relevance, the approved Diwan functions are:

### **1. Overall Management of the Diwan**

- a Operational policies and systems;
- b Professional standards; organizational planning;
- c Top executive liaison and linkages (internal and external);
- d Resource management (staffing and finance);
- e Development of legal drafting expertise and capabilities,
- f Performance effectiveness; and
- g Logistical support services

### **2. Legislative Drafting**

- a. Role and scope of legislative drafting;
- b. Professional guidelines and standards;
- c System of processing law-making, regulations and by-laws,
- d Legislative drafting operations;
- e Legislative draft records and documents, and
- f. Liaison with ministries and institutions

### **3. Legal Advice and Representations**

- a. Role and scope of providing legal advice services;
- b. Professional standards;
- c. System of providing legal advice,
- d. Legal advice operations;
- e Representation in various forums and associations;

### **4. Contracts, Agreements and Treaties**

- a Scope and terms of providing legal contract related services,
- b Professional guidelines and standards;
- c Internal system of processing contract drafting services; and

- d Contract records and documents

**5. Civil and Administrative Litigation (future function)**

- a. Scope and terms of providing litigation services;
- b. Guidelines and standards of litigation services;
- c. System of handling litigation cases and internal operations; and
- d. Litigation records and documents

**6. Official Gazette and Legal Publications**

- a. Purpose and conditions of publishing Gazette and legal documents;
- b. System of compilation, editing and printing, classification and record-keeping, and
- c. Distribution of Gazette and Publications

**7. Review and Harmonization of Laws**

- a. Diwan's role in the Review Exercise,
- b. Establishment of Law Review Commissions;
- c. Operations of the Commissions; and
- d. Follow up Commission recommendations

**8. Legal Library and Linguistic Services**

- a. Purpose and methodology of providing legal library and linguistic services;
- b. Linguistic capabilities;
- c. Operations of library and linguistic services, and
- d. Legal data bank; inventory of reference data

**9. Branch Office of the Diwan in the West Bank**

The Branch office will generally represent the Diwan in all functional responsibilities, but provide active services only in the fields of Legal Drafting and Legal Advice. The range of services will be expanded as professional capabilities within the Diwan are developed.

### **C. Organizational Location of the Diwan within the Ministry of Justice, Title of the Head and Nomenclature for Professionals Working in the Diwan**

It is proposed that the Arabic title of the Diwan and the Head of the Diwan be Diwan Al-Fatwa Wa Al-Tashri', and the title of the head of the Diwan be Ra'es, as they are at present. These are distinct and fit well into the cultural context of its role and functions. The next levels within the Diwan would be the Directorates to be headed by Directors. Work within Directorates would be divided into Units as appropriate, based on correct assessment of nature, frequency and volume of regular work load to be transacted.

### **D. Organizational Structure of the Diwan**

#### **1. Grouping of Functions**

The approved functions are grouped on the basis of their homogeneity and logical relevance.

- a. Management of Diwan;
- b. Legal Drafting;
- c. Legal Advice and Representation;
- d. PA Contracts and Agreements,
- e. Civil and Administrative Litigation; (future function);
- f. Official Gazette and Publications,
- g. Legal Library and Linguistic Services; and
- h. Diwan's Branch Office in the West Bank.

#### **2. Distribution and Coordination of Functions**

- a. The following line functions would report directly to the Head of Diwan:
  - i. Legal Drafting
  - ii. Legal Advice and Representation
  - iii. PEA Contracts and Agreements
  - iv. Civil and Administrative Litigation (future function)
  - v. Official Gazette and Publications Services
- b. The following staff functions would report to the Head of Diwan horizontally:
  - i. Management of Diwan
  - ii. Legal Library and Linguistic Services

- c The Diwan's West Bank Branch Office will be headed by an experienced senior professional from the Diwan. The branch office will provide full range of legal affairs services in the fields of Legal Drafting and Legal Advice. The branch office will represent the Head of Diwan in West Bank and report directly to the Head of Diwan.
- d The Diwan will maintain direct linkage with the Council of Ministers and develop strong and active linkages with sectoral ministries and public corporations.

### **3. Organizational Arrangement**

The proposed grouping of functions and the arrangement for their distribution and coordination are portrayed in the form of an organization chart at Annex A to this report.

### **4. Advantages and Disadvantages**

This arrangement encourages substantive specialization and, therefore, over a period would result in better quality of professional legal expertise and better quality legal services to client ministries and institutions. The arrangement is not, however, "client friendly;" one client ministry will have to go a number of directorates within the Diwan to get full range of legal services. Client specialization would be weak.

## V. POSITION DESCRIPTIONS

- Head of Diwan
- Legal Advisor
- Director, Legislative Drafting
- Director, Legal Opinion
- Director, Contracts and Agreements
- Legal Researcher
- Executive Secretary

**POSITION TITLE:**

Head of Diwan

**REPORTS TO:**

Minister of Justice

**UNIT:**

Diwan

Page 1 of 2

**BASIC FUNCTION**

Directs, coordinates and implements policies on the legal affairs of the PEA.

**DUTIES AND RESONSIBILIES**

The following are in addition to the duties included in the Statement of "Elements Common to All Management Positions "

- Serves as the presiding officer of the Diwan, directs and guides the activities of the Diwan
- Develops the basic objectives, policies and operating plans of the Diwan
- Insures that policies are uniformly understood and properly interpreted and administered by his subordinates; reviews and approves proposed internal policies of subordinate units.
- Counsels and supports operating units in formulating their plans and integrates them into an overall plan, evaluates their accomplishments against plans and programs, coordinates their implementation; monitors progress made against plans and programs
- Maintains the necessary relationships with all senior staff of all PA ministries, the Cabinet and the office of the Ra'es.
- Ensures that adequate plans for the future development of the Diwan are proposed
- Devises the criteria for the recruitment and selection of the professional staff of the Diwan.
- Prepares legal opinions of a high level political nature
- Initiates research on issues with direct impact of a political/legal nature.
- Submits draft legislation to the Council of Ministries

**POSITION TITLE:** Head of Diwan

**Page 2 of 2**

**QUALIFICATIONS**

- Graduate from a law faculty of a recognized university
- A minimum of 20 years of experience in the practice of law or in the judiciary
- A minimum of ten years experience in legislative drafting.

**POSITION TITLE:**

Legal Advisor

**REPORTS TO:**

Head

**UNIT:**

Diwan

Page 1 of 2

**BASIC FUNCTION**

Advises the Head of the Diwan on legal issues pertaining to the work of the Diwan.

**DUTIES AND RESPONSIBILITIES**

The following are in addition to the duties included in the Statement of "Elements Common to All Management Positions "

- Offers legal advice, opinions and interpretation on all legal matters
- Advises and counsels the Head on legal affairs and provides comments on issues of concern to the Diwan
- Advises the Head on legal implications of proposed new laws.
- Coordinates the final drafting as well as the final preparation of all legal documents
- Coordinates the implementation of approved policies and procedures
- Acts as legal advisor to the Head of the Diwan Suggests to the Head appropriate policies / changes concerning the work of the Diwan
- Consults with ministries and official bodies, if necessary, to clarify the intent of the law.

**QUALIFICATIONS**

- Law degree and License to practice law.
- A minimum twenty years experience in the practice of law
- Knowledge of the legislative process.
- Strong Management capabilities

**POSITION TITLE:** Legal Advisor

**Page 2 of 2**

**QUALIFICATIONS (Continued)**

**POSITION TITLE:** Director, Legal Opmon

**Page 2 of 2**

**DUTIES AND RESPONSIBILITIES (Continued)**

- Strong communication skills
- Ability to analyze and coordinate relationships between all units at Diwan and with other executive and official agencies.
- Readiness to assume delegated responsibility by the Head of the Diwan
- In depth knowledge and awareness of political, legal and policy issues

Approved \_\_\_\_\_  
Head of the Diwan

Date: \_\_\_\_\_

**POSITION TITLE:**

Director, Legislative Drafting

**REPORTS TO:**

Head of the Diwan

**UNIT:**

Diwan

Page 1 of 2

**BASIC FUNCTION**

To implement the Diwan's objectives in the area of Legislative Drafting

**DUTIES AND RESPONSIBILITIES**

The following are in addition to the duties included in the Statement of "Elements Common to All Management Functions."

- Directs legislative drafting and assigns work to legal researchers
- Identifies the scope of research for each draft legislation.
- Supervises the work of the legal researchers
- Establishes relationships with originating ministries requiring the assistance of the Diwan in draft in drafting legislation.
- Reviews the work of the legal researchers before submitting the draft legislation to the Head of the Diwan
- Works closely with the Head to assure that legislative drafting services are provided in a responsible and effective manner.
- Sees that the policies and procedures authorized by the Head are implemented and he will be held accountable for results.
- Keeps the Head fully informed on significant activities of his directorate
- Assists in the recruitment of a professional staff and provide training to promote development of future senior legal researchers.
- Assures smoothly functioning interrelationships between his unit and all other units of the Diwan as necessary to achieve the Diwan's objectives

**QUALIFICATIONS**

- Law degree and/or a License to practice Law
- A minimum of fifteen years experience in the legal profession with a minimum of three years experience in Legislative drafting.
- Articulate with persuasive communication skills.
- Excellent knowledge of the Arabic language combined with a good writing style
- Strong background in constitutional law, separation of power issues and administrative law and procedure
- Broad understanding of the functions of differing legal systems.
- Keeps abreast of current laws and regulations
- Able to handle a variety of projects simultaneously.
- Familiarity with the legal framework for enacting draft laws
- Thorough knowledge and understanding of the legislative process

**Approved :** \_\_\_\_\_ **Date :** \_\_\_\_\_  
**Head of the Diwan**

**POSITION TITLE:**

Director, Legal Opinion

**REPORTS TO:**

Head of the Diwan

**UNIT:**

Diwan

Page 1 of 2

**BASIC FUNCTION**

To implement the Diwan's objectives in the area of Legal Advice

**DUTIES AND RESPONSIBILITIES**

The following are in addition to the duties included in the Statement of "Elements Common to All Management Functions."

- Directs the legal advice work and assigns work to legal researchers
- Identifies the scope of research for each legal opinion
- Supervises the work of the legal researchers
- Establishes relationships with originating ministries requiring the assistance of the Diwan in rendering legal advice.
- Reviews the work of the senior legal researchers before submitting the draft legal opinion to the Head of the Diwan.
- Works closely with the Head to assure that legal opinion services are provided in a responsible and effective manner
- Sees that the policies and procedures authorized by the Head are implemented and he will be held accountable for results
- Keeps the Head fully informed on significant activities of his directorate.
- Assists in the recruitment of a professional staff and provide training to promote development of future senior legal researchers.

**DUTIES AND RESPONSIBILITIES (Continued)**

- Assures a smoothly functioning interrelationships between his unit and all other units of the Diwan as necessary to achieve the Diwan's objectives

**QUALIFICATIONS**

- Law degree and a license to practice law.
- A minimum of fifteen years experience in the legal profession
- Articulate, persuasive in communications, good writing style
- Able to handle a variety of projects simultaneously.
- Strong oral and writing skills combined with an ability to write clear, concise and well reasoned opinions.
- Strong background in jurisprudence and ability to analyze and apply law to factual situations
- An understanding of the interrelationships among various laws and regulations

**Approved :** \_\_\_\_\_  
**Head of the Diwan**

**Date :** \_\_\_\_\_

**POSITION TITLE:**

Director, Contracts and Agreements

**REPORTS TO:**

Head of the Diwan

**UNIT:**

Diwan

Page 1 of 2

**BASIC FUNCTION**

To implement the Diwan's objectives in the area of Contracts and Agreements

**DUTIES AND RESPONSIBILITIES**

The following are in addition to the duties included in the Statement of "Elements Common to All Management Functions "

- Directs the work of the Diwan in the contracts and agreements area assigns work to senior legal researchers
- Identifies the scope of research for each legal opinion.
- Reviews the work of the senior legal researchers before submitting the draft legal opinion to the Head of the Diwan
- Works closely with the Head to assure that legal opinion services are provided in a responsible and effective manner.
- Sees that the policies and procedures authorized by the Head are implemented and he will be held accountable for results
- Keeps the Head fully informed on significant activities of his directorate.
- Assists in the recruitment of a professional staff and provide training to promote development of future senior legal researchers
- Assures a smoothly functioning interrelationships between his unit and all other units of the Diwan as necessary to achieve the Diwan's objectives
- Reviews, approves and drafts various contracts and agreements.

**POSITION TITLE:** Director, Contracts and Agreements **Page 2 of 2**

**QUALIFICATIONS**

- Law degree and/or a License to practice Law.
- A minimum of fifteen years experience in the legal profession
- Articulate with persuasive communication skills
- Ability to write clear, concise and well reasoned provisions
- Strong background in commercial, contract and procurement law
- Broad knowledge of international agreements and conventions
- Broad knowledge of international sale rules
- Able to handle a variety of projects simultaneously
- Must be bi-lingual in Arabic and English.

**Approved :** \_\_\_\_\_  
**Head of the Diwan**

**Date :** \_\_\_\_\_

**POSITION TITLE:**

Legal Researcher

Page 1 of 2

**REPORTS TO:**

Director , Legislative Drafting or Legal Opinion or Contracts and Agreements

**UNIT:**

Legislative Drafting or Legal Opinion or Contracts and Agreements

**BASIC FUNCTION**

Assists the Director in implementing his units objectives.

**DUTIES AND RESPONSIBILITIES**

- Receives legislative drafting assignments
- Undertakes legal research for each draft legislation, Legal Opinion or Contracts.
- Systematically identifies issues and sub issues for legal research and drafting.
- Receives and incorporates input and comments on from concerned parties
- Provides information to the Director on the anticipated effects of proposed legislation
- Organizes and drafts proposed legislation or Legal Opinion in his/her area of specialization.
- May review work prepared by other legal researcher

**QUALIFICATIONS**

- A law degree from a recognized institution.
- A License to practice law.
- A minimum of five years experience in the practice of law with a minimum of two years in legislative drafting or rendering Legal Opinion or Contracts for the Senior Legal Researcher.
- Solid research, analysis and ability to reason well
- Good writing skills and solid command of the Arabic language.

**POSITION TITLE:** Legal Researcher

**Page 2 of 2**

**QUALIFICATIONS (Continued)**

- Knowledge of Constitutional and Administrative Law.

**Approved:** \_\_\_\_\_  
**Head of the Diwan**

**Date:** \_\_\_\_\_

**POSITION TITLE:**

Executive Secretary

Page 1 of 1

**REPORTS TO:**

Head

**UNIT:**

Diwan

**DUTIES AND RESPONSIBILITIES**

- Provides secretarial services including the typing of documents and correspondence, answering telephones, and acting as a receptionist for the Diwan
- Receives and sorts mail, date-stamp each piece of material received, and route the mail to the appropriate person as instructed by the Head
- Handles outgoing mail, including its sorting, postaging, and maintain records for postage expenses.
- Maintains a centralized filing system, including serial numbers containing correspondence, communications, memoranda, legal opinion and analysis issued or received by the Diwan
- Arranges appointments for Head, receiving visitors, responds to routine requests for information and makes travel arrangements for Head
- Takes notes at meetings as required.
- Performs other duties as required.

**QUALIFICATIONS**

- Graduate of a Secretarial School.
- Minimum of two years experience as an Executive Secretary.
- Knowledge of DOS-Windows, Microsoft Office, Excel, Word, etc.
- Good typing skills in Arabic and English, with a minimum of 45 words per minute
- Familiarity with filing systems and record keeping

**POSITION TITLE:** Executive Secretary

**Page 2 of 2**

**QUALIFICATIONS (Continued)**

- Effective communicator, efficient, works with minimal supervision and good attention to detail
- Good knowledge of the English language.

**Approved:** \_\_\_\_\_  
**Head of the Diwan**

**Date:** \_\_\_\_\_