

**ASSISTANCE TO THE
PALESTINIAN LEGISLATIVE COUNCIL**

PERFORMANCE INDICATOR REPORT

Submitted to:

USAID/West Bank and Gaza

Submitted by:

ARD, Inc.
159 Bank Street, Third Floor
Burlington, VT 05401 USA
Telephone: (802) 658-3890
Fax: (802) 654-4247

Prepared Under Contract #: 294-C-00-99-00156-00
Assistance to the Palestinian Legislative Council

31 May 2001

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I. INTRODUCTION

A. Background and Purpose of Report

One of the U.S. Congress' objectives in passing the "Government Performance and Results Act of 1993" (GPRRA), was to place a new emphasis on managing for results in federal programs, including overseas assistance projects. Consistent with this policy, the West Bank and Gaza Mission of USAID has developed an overall performance-monitoring plan for all of its activities, including those in the Democracy and Governance sector. Assistance to the Palestinian Legislative Council (PLC) – the focus of this report – is one of the key programs within the USAID Democracy and Governance sector.

The performance monitoring process includes the design and selection of performance indicators. These "sample" measures offer insights into the performance of a target group or institution: whether it is a ministry; a judicial system; or a legislative council. The indicators – even when considered as an entirety – are not intended to present a comprehensive representation of performance. However, as a carefully selected sample, an indicator should provide a perspective on general performance that is broader than the specific indicator itself.

Indicators can also provide important information about the impact of the project that is providing assistance to the beneficiary, although this linkage between project assistance and beneficiary performance cannot always be directly correlated. This attempt to measure project performance in relation to beneficiary performance has prompted USAID to select performance measures that most closely reflect project assistance interventions.

USAID, in cooperation with its contractor partners, selected approximately 20 performance indicators for the PLC. ARD, Inc. is responsible for collecting data and analyzing 11 of these indicators.

This report presents the data related to the PLC's performance from April 1 – September 30, 2000. This is the second indicator report for the ARD PLC2 contract. The 11 indicators selected for this contract are a combination of original PLC1 indicators and newly developed indicators. Under the PLC1 contract, ARD developed a Results Measurement Plan (RMP) consisting of six indicators to guide the measurement, tabulation, analysis, and interpretation of the Council's performance. For PLC2, these six indicators have been retained, and where appropriate, refined in order to allow trend analysis. An additional five indicators have been developed to provide a more complete picture of PLC performance and project impact.

This report provides an statement of purpose; an outline of the methodology utilized, including the definitions, data collection, and targets for each indicator; a description and analysis of results, including comparison of the results for the current period with those from the previous period and PLC1 and with the targets; and a summary and presentation of findings and conclusions. A series of appendices appear at the end of the report including data tables, charts, and other information.

B. Brief Overview of PLC from Baseline to Present

The Palestinian elections of January 1996 were widely welcomed as the initial step in a process that would lead to democratic governance in West Bank and Gaza. Seventy-five percent of registered voters elected 88 Members from the Gaza Strip and West Bank (including East Jerusalem) to a new Palestinian Legislative Council (PLC).

From their March 1996 opening session, PLC Members generally have taken their responsibilities seriously. Following the creation of Standing Orders to establish the Council's internal organization and procedures, Members began to consider a Basic Law, which is intended to serve as a constitution defining and guiding relations among all branches (legislative, executive, and judicial) of the PA. Although not yet signed into law, the draft Basic Law and the balance of power principles it embraced led the Council to exercise its oversight powers through critical reviews of various EA actions, such as alleged corruption, mismanagement, and human rights abuses.

The Council continues to serve as a forum for Members to voice their criticism and engage in oversight of the Executive branch, but given the single party control over the government, the overall impact of PLC criticism is still limited. Even with numerous resolutions, committee hearings, and formal question and answer periods, the Executive largely ignores the Council and undervalues its role. The Legislative - Executive relationship is largely characterized by conflict, with only occasional elements of cooperation and information sharing.

If ratified, the Basic Law could formally create a division of power and responsibilities among the three branches of government, and provide a judiciary that would help resolve disputes between the branches. Today, more than four years since the establishment of the Legislative Council, the Basic Law has become a forgotten issue, the judiciary barely functions, and the Council struggles in the shadow of the Executive.

Moreover, the macro context of the peace negotiations has significant impact on the priorities of the Palestinian Legislative Council, and also affects the Council's development. The attention of many Council Members, particularly members of the Fatah party, was drawn to the issues of peace process negotiations and statehood throughout much of 1998 and early 1999. That these significant political discussions were engaging much of the Council's attention meant that there was less emphasis on the legislative activity and domestic oversight. In fact, since the creation of the new Cabinet in 1998 - after a year of threats from the Council to withdraw confidence from the Government - the Council's credibility with the Executive branch and the general public has weakened. The absence of any firm date for new elections also hurts the PLC's credibility in the community that elected it, and without the "threat" of elections on the horizon, many Members lack a critical motivation to seriously respond to constituent demands.

At the same time, it is important to place the development of this nascent Council into a broader context, understanding that any new institution, particularly a legislative body, will experience "growing pains." Particularly salient to the Palestinian case, both Members and staff came to the PLC from a culture almost void of experience with representative democracy. There was no model to be followed and the entire structure, process and administration of the PLC had to be built from scratch. This is not often the case with other new legislatures whose traditions may at

one time have moved in and out of democratic forms. It is important to keep this critical point in mind when evaluating the progress of the PLC.

It should be noted that many of the Council's most significant activities during this reporting period were in the area of constituency relations. The two-week Democracy Day Campaign spawned a wide variety of activities in the districts. The PLC conducted more than 20 town meeting., Its Members participated in dozens of workshops and seminars. Even so, none of these activities were captured by any of the 11 performance indicators. This serves to remind us of the limitations inherent in indicators and that this method of measurement can sometimes miss important aspects of performance.

C. USAID Support to the Palestinian Legislative Council

The United States Agency for International Development (USAID) has supported the PLC, along with the Executive Authority³ (EA) and civil society institutions, under its broad strategic objective to support more responsive and accountable democratic governance. Its approach to this objective includes strengthening the PLC's capacities to act as a lawmaking body, refining its ability to oversee and supervise the Executive Authority (EA), enhancing the Council's capacity to inform citizens about its actions and respond to their interests, and strengthening the Council's internal administration.

³ Under the administration of Yasser Arafat.

II. INDICATORS OF PLC PERFORMANCE

A. General Description of the Indicators

An important part of USAID’s programs worldwide is identifying results that the programs are intended to achieve and monitoring the extent to which these results are actually attained. For its PLC support program, the Agency has chosen 20 indicators of performance. ARD is responsible for tracking, analyzing, and reporting on 11 of them. These 11 are listed below, arranged according to the organization of the PLC2 contract. The first six indicators deal with the legislative process. The next two indicators relate to the executive oversight role of the Council. These are followed by an indicator that samples the outreach function of the Council. The final two indicators relate to the internal administration of the Council. [In Appendix B the indicators are listed in the order consistent with the USAID-listed Intermediate Results.] For ease of reference, ARD has given each indicator an unofficial name. This two-word name, appearing in italics on the left-hand side of Table 1, will be used throughout the report. Definitions for terms used in each indicator are presented in Annex A.

Table 1: Indicator Names, Numbers and Descriptions

<i>Indicator Name</i>	<i>Number</i>	<i>Indicator Description</i>
<i>Legislative/Executive Process</i>	IR 3.3a	Percentage of EA-drafted laws submitted to PLC that have completed the EA review and drafting process.
<i>Legislative Initiative</i>	IR3.2c	Percentage of legislation passed by the PLC that is initiated by the PLC.
<i>Legislative Review</i>	IR 3.2.2c	Percentage of legislation passed by the PLC and initiated by the EA that was substantially amended by the PLC.
<i>Legislative Outreach</i>	IR 3.2.2a	Percentage of draft legislation (formally received by the PLC) on which the PLC formally invites public comment.
<i>Finance Hearings</i>	IR3.2.1c	Number of PLC-initiated formal public hearings held to discuss government finance.
<i>Legislative Enactment</i>	IR 3.2.2b	Percentage of legislation passed by the PLC that is enacted.
<i>Oversight Initiative</i>	IR 3.2.1b	Number of PLC-initiated proceedings held on specific non-legislative EA actions.
<i>Oversight Influence</i>	IR 3.2.1a	Percentage of formal PLC requests for information or action that are formally responded to by the Executive.
<i>Response to Constituents</i>	IR 3.2.3b	Percentage of recorded constituent inquiries that receive a formal response from PLC Members or staff.
<i>PLC Employment</i>	IR 3.2.4a	Percentage of new staff hired by a documented and competitive process.
<i>PLC Procurement</i>	IR 3.2.4b	Percentage of PLC official procurement following transparent procedures.

Six of ARD’s indicators relate to the legislative process. The legislative process can be divided into three parts – the initiation of legislation, the review of legislation, and the enactment of legislation.

The first two indicators assess the initiation of legislation, which may originate in either the PLC or the Executive. “Executive/Legislative Process” (IR 3.3a) assesses the degree to which EA-initiated legislation has undergone the two-part EA review and drafting process. Each law is rated as to whether it has been reviewed by the Diwan (diwan al-fatwa w’at-tashri’); and

reviewed by the Ministries. This provides an assessment of the degree to which the EA is appropriately drafting and reviewing the legislation it forwards to the PLC.

“Legislative Initiative” (IR3.2c – formerly “Legislative Effectiveness”) measures the extent to which the PLC is active in introducing legislation, as opposed to assuming a more passive role of waiting for the draft laws to come from the Executive Branch. It is calculated by dividing the number of PLC-initiated passed laws by the total number of passed laws.

The next three indicators deal with the review stage of the legislative process – from the moment a draft law is submitted to the PLC, until the time it is forwarded to the Executive for enactment. “Legislative Review” (IR3.2.2c – formerly “Legislative Autonomy”) examines the PLC’s treatment of draft laws that originate with the Executive Branch and are passed by the Council. This indicator determines the extent to which these bills of executive origin are substantively changed or amended before they are passed back to the Executive for signing. Substantive in this case means any changes in a bill’s text other than purely technical ones of formatting, grammar, and spelling. It provides an indication of the degree to which the Council is willing to challenge the EA, and hence the degree of independence of the Council. “Legislative Outreach” (IR 3.2.2a) measures the extent to which the Council takes the initiative to engage the public in the review of draft laws. It is the percentage of draft legislation (formally received by the PLC) on which PLC formally invites public comment. Similarly, “Finance Hearings” (IR3.2.1c) measure the degree to which the Council involves the public in the review of government finance by counting the number of PLC-initiated formal public hearings held on the subject of government finance.

“Legislative Enactment” (3.2b) is an indicator of the enactment stage of the legislative process – that is, from the passage of a law by the PLC to the enactment or ratification of the law by the Executive. This indicator assesses the ratio of legislation enacted by the Executive to that passed by the PLC. It provides an indication of the degree to which the Executive is enacting the legislation initiated and passed by the PLC, and focuses upon the relationship between these two branches of government within the Legislative process.

The next two indicators relate to oversight functions of the Legislative – that is, how the PLC attempts to hold the EA accountable. “Oversight Initiative,” (IR3.2.1b) looks at the total number of oversight proceedings initiated by the PLC concerning non-legislative EA actions. This indicator is a straight count of the number of proceedings per reporting period. (See the definition of “proceeding” in Annex C.) “Oversight Influence,” (IR3.2.1a – formerly “Oversight Clout”) carries the analysis of PLC oversight further by examining the extent to which the EA responds to the PLC’s requests. As the specific requests recorded under this indicator are a small fraction of the total PLC requests directed toward the executive branch they should be viewed as a “sample” against which corresponding responses are collected. Although both oversight indicators deal with PLC action toward the Executive Branch, the “Oversight Influence” indicator records PLC requests, while the “Oversight Initiative” indicator records more substantive actions (i.e., proceedings). The “Influence” indicator focuses on domestic issues, and the “Initiative” indicator looks only at non-legislative EA actions.

“Response to Constituents” (IR 3.2.3b) provides a measure of the relationship between the Council and its constituency by assessing the percentage of recorded constituent inquiries that receive a formal response from a PLC Member or staff.

The final two indicators assess aspects of the internal administration of the Council. “PLC Employment” (IR 3.2.4a) assesses the degree to which new staff is hired by a documented competitive process. For this indicator, hiring procedures are rated for the degree to which they conform to a standard, transparent hiring process. “PLC Procurement” (IR 3.2.4b) assesses the degree to which PLC procurement follows transparent hiring procedures. Again, the degree to which procurement practices followed set procurement procedures during this period is assessed.

B. Data Collection and Reporting

Using data collection procedures developed for each indicator, ARD researchers record each item (request, response, proceeding, passed legislation, PLC-initiated public comment, etc.), the source, and the date. This information is subtotaled in monthly columns and later aggregated into reporting periods.

The data for every indicator are tabulated over time, highlighting the variations in performance during the baseline and reporting periods. Tabulation was primarily done by ARD staff, although PLC and Diwan staff collected data for some of the indicators. Once collected, the data went through a two-step review process: ARD staff processed and reviewed the data before handing it over to the ARD report writer, who performed the final analysis. Data collection has been greatly facilitated by improvements to the Council’s internal record keeping, which has been strengthened by ARD’s support to the PLC.

In the case of some indicators, the recorded legislative actions span from one reporting period to the next. Therefore, it is preferable to take a cumulative approach to reporting and tracking certain data. See Annex A for a description of which indicators are cumulative.

For each indicator, qualitative data will be collected to complement and provide context to the quantitative data. Qualitative data, collected by means of focused interviews with key ARD and PLC staff and literature about the PLC, will be used to provide an analysis of the explanations for current PLC performance.

Please see Annex A for the explanation of reporting periods, terms, and data sources.

C. Targeting

To effectively use indicators as tools for measuring the progress of the PLC, future target values for each indicator must be determined. Targets help illustrate whether the results of PLC performance, as measured by the indicators, meet, exceed, or fall short of established expectations, and hence provide indications of progress. Setting targets is a difficult and inexact task, especially under the uncertain political conditions facing the PLC. In the determination of targets, USAID and ARD considered the numerous factors outside the control of the project and even outside the control of the PLC that may affect its performance.

Four main factors were taken into account in setting targets for the 11 indicators:

- baseline performance data
- estimation of the external or outside political conditions that will prevail in the coming years
- estimation of internal (within the PLC) institutional changes
- comparative analysis of the performances of other parliaments at similar early stages of development and comparative analysis of other Middle East parliaments.

For those indicators that measure PLC performance in areas that are predominately within the PLC's control and are relatively unaffected by outside factors or influence, the target figures will be higher, based on increased expectations of future PLC performance.

While it is risky to give too much weight to the data in the baseline period, likewise it cannot be ignored. Baseline performance indices provide important qualitative evidence of the Council's capabilities. However, data drawn from the PLC's initial start-up period, when conditions were completely unprecedented and unlikely to be repeated, cannot be legitimately used for extrapolation purposes in setting targets.

Comparative information from other countries experiencing transitions to democratic forms of government can provide a context for better understanding the PLC's performance at the initial stage and how the Council is likely to evolve. The experiences of other legislative bodies in the Middle East region also provide useful – though not particularly high – standards of performance and suggest that progress will be slow. In general, the PLC's initial performance, as measured by these indicators, follows international trends set by new parliaments, and bears little resemblance to the parliaments of the Middle East.

Table 2: Indicator Baselines, Targets, and Actual Values

Indicator	Baseline	2000 Target	Oct. 99-March 00	April-Sept. 00
Legislative/Executive Process	51	55	27	100
Legislative Initiative	30	30	28	27
Legislative Review	79	80	33	100
Legislative Outreach	38	50	24	27
Finance Hearings	0	1	0	0
Legislative Enactment	66	70	74	67
Oversight Initiative	70	60/yr	25 (1/2 yr)	11
Oversight Influence	28	40	20	15
Response to Constituents	88	90	100	100
PLC Employment	0	0	10	0
PLC Procurement	15	20	67	86

III. PLC PERFORMANCE

A. Executive/Legislative Process (IR 3.3a): Percentage of EA-drafted laws submitted to PLC that have completed the EA review and drafting process.

Table 3: Executive/Legislative Process

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept 00	2000
Annual Ratio	0/4	14/19	7/12	3/12		3/11	8/8	
Annual Percentage	0	73	58	25	51	27	100	55
Annual Proportion						72	100	

Table 3 presents two methods of assessing the degree to which EA-drafted laws, submitted to the PLC, have completed the EA review and drafting process. According to our definition, the EA review and drafting process has two key elements – review of the legislation by the Diwan, and formal solicitation of comments from the Ministries by the Diwan (*see Annex A*).

The Annual Ratio is the ratio of the numbers of laws that have completed this process to the total number of EA-drafted laws. In this calculation, a law is only considered to have completed the EA review and drafting process if it has gone to the Diwan, *and* has been referred to the Ministries for comment.

The Annual Percentage provides a more comprehensive assessment of the degree to which EA-initiated draft laws have completed the EA review and drafting process. For this calculation, the following rating scale is used:

- 1 = Did not go to Diwan
- 2 = Went to Diwan, but not referred to Ministries
- 3 = Went to Diwan and referred to Ministry

The Annual Proportion is calculated by averaging the scores of each law on the above rating scale and then converting this into a percentage. This method provides a more accurate weighted assessment of this indicator.

Table 4: EA Review of EA-Initiated Laws

Name of Law	Reviewed by Diwan	Reviewed by Ministries	Rating
<i>April 1 – Sept 30, 2000</i>			
Civil Aviation Law	Yes	Yes	3
Evidence in Civil and Commercial Articles	Yes	Yes	3
Palestinian Council for Nursing and Midwifery	Yes	Yes	3
Amendment to Local Council Election Law	Yes	Yes	3
Penal Procedure Code	Yes	Yes	3
FY 2001 Budget	Yes	Yes	3
Lease of Houses and Commercial Real Estate	Yes	Yes	3
Engineers' Union	Yes	Yes	3

<i>October 1, 1999 – March 31, 2000</i>			
Environment	<i>Yes</i>	<i>Yes</i>	3
NGOs	<i>Yes</i>	<i>Yes</i>	3
Commercial Agents	<i>Yes</i>	<i>Yes</i>	3
Regular Courts	<i>Yes</i>		2
Social Insurance	<i>Yes</i>		2
Bar Association	<i>Yes</i>		2
Tenders for Public Works	<i>Yes</i>		2
Public Health	<i>Yes</i>		2
Civil Procedures	<i>Yes</i>		2
Standards and Specifications	<i>Yes</i>		2
2000 Budget	<i>No</i>	<i>No</i>	1

Table 4. shows that the Diwan and the Ministries reviewed all EA initiated legislation during the latest time period. This is a substantial improvement over the earlier time period and indicates an increased acceptance of this procedure and the likelihood that legislation so reviewed will be in better form when introduced to the PLC.

B. Legislative Initiative (IR3.2c): - *Percentage of legislation passed by the PLC that is initiated by the PLC.*

Table 5: Legislative Initiative

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept. 00	2000
Annual Ratio	0	0/4	5/15	4/11		1/5	2/10	
Cumulative Ratio	0	0/4	5/19	9/30		10/35	12/45	
Cumulative Percentage	0	0	36	36	30	28	27	30

The percentage of passed laws initiated by the PLC remained at the low level of the previous six months: only 20 percent (non-cumulative). In total, 15 laws were passed during the last 12-month period (October 1999 through September 2000), of which three were initiated by the PLC. This brings the cumulative ratio to 12/45, lowering the cumulative percentage to 27% - a worrying slip from the 28% of the previous period and below the target of 30%.

This continuing low ratio indicates that the PLC is focusing more on its role of reviewing legislation, particularly from the Executive Authority, and less on its role as the initiator of legislation. It might also suggest that the PLC is relatively satisfied with the Executive Authority's production of draft laws and does not feel the need to take legislative drafting matters into its own hands. **(This indicator needs to be considered along with the related indicator of Legislative Review, which assesses the degree to which the PLC reviews and amends the EA initiated draft laws.)**

The low level of Legislative initiative might also be explained by the continuing passivity of the PLC Legal Department. The 20 department lawyers have the necessary skills to draft and initiate more legislation. However, without a clear legislative mandate, the department has demonstrated

little initiative. In spite of significant project efforts to improve the skills and operations of the Legal Department, it remains considerably underutilized.

Another important consideration is the type of legislation that the PLC is initiating, compared to that initiated by the EA (*see Table 6*). One of the Council’s important roles is to initiate legislation that responds to, and protects, the interests of the citizens – interests that might not otherwise be addressed within the bureaucracy of the Executive Branch. It is thus theorized that the laws initiated by the PLC would be more “popular” in nature.

Table 6: Origin of Passed Laws

PLC-Initiated Laws Passed by PLC	EA-Initiated Laws Passed by PLC
<i>April 1 – September 30, 2000</i>	
Standards and Specifications	Evidence in Civil and Commercial Courts
Jerusalem and the Capital	Formation of Regular Courts
	Civil Aviation
	Consular Fees
	Statistics Law
	Administrative Structures
	Traffic Law
	Penal Procedures
<i>October 31 1999 – March 31, 2000</i>	
Labor Law	Budget Law
	Bar Association Law
	Arbitration Law
	Judicial Amendment

Both laws passed during the last six months can be described as “popular,” with varying legislative weight and worth. The Standards and Specification Law is aimed at improving a wide-range of practical rights, clearly fulfilling the PLC’s citizen-oriented legislative role. The second law – the Jerusalem: the Capital Law – is also a “popular” law, in that it corresponds with the main Palestinian nationalist philosophy. Although its political overtones and legislative brevity mean that it is more “popular” than legislatively practical, it is still a clear response to constituent interests,

Therefore, all three laws passed during the last twelve months (including the previous reporting period’s Labor Law) can be seen as “popular” within our definition of that term. This indicates that the PLC is initiating appropriate legislation, when chooses to legislate.

However, the small number of laws passed in the last two reporting periods makes it difficult to assess whether the Council’s limited legislation is a direct response to citizens’ interest. In addition, because the Council should be initiating more responsive and “popular” laws, a drop in Council initiative is an added concern.

C. Legislative Review (IR 3.2.2c): - Percentage of legislation passed by the PLC and initiated by the EA that was substantially amended by the PLC.

Table 7: Legislative Review

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept. 00	2000
Annual Average %	0	85	60	65	70	55	100	
Annual Ratio	0	5/5	6/9	4/5	15/19	1/3	2/2	
Annual Percentage	0	100	67	80	79	33	100	80

Again for this indicator, the Annual Ratio is the number of passed EA-initiated laws that undergo moderate or greater modification (that is, a score of 2 or more on the following scale) divided by the total number of passed EA-initiated laws. In contrast, the Annual Average is the average of the ratings of relevant laws, converted into a percentage - a more accurate way to assess this indicator (*see Annex A for further explanation*).

Table 8: Degree of Amendment of EA-Initiated Laws

EA-Initiated Laws passed by PLC	Amendment
Rating Scale	
<i>1 = Few or no changes and few amendments</i>	
<i>2 = Moderate changes and some amendments</i>	
<i>3 = Significant changes and many amendments</i>	
<i>4 = Almost completely revised, amendments to nearly all articles</i>	
April 1 – September 30, 2000	
<i>Statistics Law</i>	<i>3</i>
<i>Traffic Law</i>	<i>3</i>
October 1, 1999 – March 31, 2000	
<i>FY 2000 Budget</i>	<i>1</i>
<i>Amendment to Judiciary</i>	<i>1</i>
<i>Arbitration Law</i>	<i>3</i>

This indicator suggests that the Council exercises its policy-refinement role in a limited way but does not wholly rework ideas coming from the EA.

The PLC's willingness to review draft laws is partly explained by the nature of the laws themselves. The Statistics Law and Traffic Law were significantly changed by the PLC because these laws were not viewed as particularly sensitive. On the other hand, the Budget and the Judiciary Laws were not significantly amended because the Council knew that the executive branch would not tolerate major changes. Another factor was the relevant committee's capability, including its access to resources, to conduct a substantive review. For example, the Education & Social Affairs committee and the Economic committee have developed experience and skills in reviewing legislation by soliciting assistance from local experts and conducting Public hearings.

D. Legislative Outreach (IR 3.2.2a):

Percentage of draft legislation (formally received by the PLC) on which PLC formally invites public comment.

Table 9: Legislative Outreach

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept. 00	2000
Cumulative Ratio	¼	4/25	18/40	21/55	21/55	5/21	15/55	

Cumulative Percentage	25	16	45	38	38	24	27	50
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During this reporting period, the PLC reviewed 55 laws, of which 34 had not been previously open to public comment. According to the available data, 10 laws (or 27 percent, non-cumulative) were subjected to public comment (*see Table 10*).

The 27 percent achieved in this reporting period percent is drastically lower than the target rate of 50 percent and failed to reach even the baseline of 38 percent. However, the 3 percent increase from the last reporting period indicates that the decline begun in 1999 may be reversing. Therefore, while the PLC is still performing poorly in legislative outreach, the turn-up in the last six months looks promising.

Public comment is usually solicited by committees through workshops, hearings, or meetings with experts, governmental representatives, or other relevant organizations. During this reporting period, four committees held a total of 14 sessions, in comparison to the last reporting period, in which only three committees held a total of 8 sessions.

According to committee clerks, the growth in public meetings is linked to an increase in the number of plenary sessions during the same time period. Although committee meetings are regularly held twice a month, some committees decided to take advantage of the gathering of Members by meeting after each plenary session – increasing opportunity for solicitation of public comment.

The increase may also be due to the larger number of laws in the hands of committees. In the last reporting period, clerks from the Education and Social Affairs Committee said that their committee was too busy preparing draft laws for PLC discussion to perform adequate legislative outreach. In this reporting period, the Education Committee presented three new laws, which may, indeed, have been the reason for their previously limited outreach.

Table 10: Public Legislative Discussions

Committee/Draft Law	Event	Date/ '00
<i>Budget & Financial Affairs</i>		
Income Tax	<i>Hearing/ Al-Bireh</i> -University professors and experts	30/4
Banking	<i>Hearing/Gaza</i> - Monetary Authority	3/9
	<i>Hearing/ Al-Bireh</i> - Banks' Association	17/9
	<i>Hearing/ Al-Bireh</i> - Banks' Association	24/9
<i>Education & Social Affairs</i>		
Social Insurance	<i>Hearing/Gaza</i> – Experts	3/7
	<i>Hearing/Ramallah</i> – Experts	4/7
Authors' Rights	<i>Meeting /Ramallah</i> - Dir Gen of the Ministry of Culture	5/8
Public Health	<i>Hearing/Gaza</i> - Ministry of Supplies	18/6
<i>Economic</i>		
Specifications & Standards	<i>Workshop/Ramallah</i> - Minister of Industry	4/4
Water	<i>Workshop/Ramallah</i> - Water Authority	23/5
	<i>Workshop/Gaza</i> - Water Authority and the Ministries of Environment and Agriculture	31/5
Public Statistics	<i>Workshop/Ramallah</i> - Central Bureau of Statistics	5/6

Industry	Workshop/Gaza - Ministry of Industry, Diwan, and Palestinian Industries' Union	6/9
Legal		
Engineers	Workshop/Ramallah - Engineers syndicate	11/5

The most active committees in this reporting period were the Budget; Education; Legal; and Economic Committees. An overview of PLC legislative outreach since 1996 reveals that these four committees, plus the Political Committee and the Interior Committee, were respectively the most active in inviting public comment on draft laws. (See Table 11) The inactivity of the remaining committees may be attributed to the fact that they do not receive legislation to review, due to their mainly political purpose.

**Table 11: Public comment activities by committee
March 1, 1996 – September 30, 2000**

Committee name	Number of laws discussed	Number of meetings	Av. meetings per law
Budget & Financial Affairs	5	14	2.8
Education & Social Affairs	7	20	2.8
Legal	8	15	1.9
Political	3	5	1.7
Economic	8	12	1.5
Interior, Security & Local Government	2	3	1.5
<i>Land & Settlement</i>		-	
<i>Refugees</i>		-	
<i>Jerusalem</i>		-	
<i>Human Rights & Oversight</i>		-	

During the last six months, the majority of the committees that performed no legislative outreach, in contrast to previous activity (such as the Political Committee), did not have any draft laws referred to them (see Table 12), indicating that the committees are generally successful in following legislative procedure, and inviting public comment, when they *do* have draft laws. (The Interior Committee was working on several bills that were judged too difficult for proper legislative outreach, such as the Civil Aviation draft law. However, during discussions of that particular law, the committee met repeatedly with the Civil Aviation Authority during the drafting process.)

**Table 12: Committees with no outreach
April 1 – September 30, 2000**

Committees with no outreach	Reasons
Land & Settlement	No draft laws
Political	No draft laws
Refugees	No draft laws
Jerusalem	No draft laws
Human Rights & Oversight	Draft laws rejected
Interior, Security & Local Government	The law was too technical for public comment.

When committees called for public comment in the last six months, they usually invited an equal mix of NGOs, ministerial representatives, and governmental authorities – ensuring that discussion of laws was not limited to communications between the executive and legislative branches.

The laws that received the most public comment were those for which the committees probably felt the strongest need for outside technical help. As a result, the source of comment invited depended on the nature of the law (e.g. the Engineers’ Union was invited to comment on the Engineers Draft Law while the Water Authority was the main source of information on the Water Law.) The involvement of relevant organizations has a positive impact, since the committee benefits from external expertise (such as the Banks’ Association input on the Banking Draft Law) and the public organizations gain an understanding of the legislative process and have a chance to influence the content of pending draft laws.

In general, since 1996, the PLC was increasingly involving the public in the legislative process, particularly at the committee level. Although the last reporting period saw a serious decline in legislative activity in comparison to previous years, the 3 percent increase in this time period suggests that PLC is returning to a focus on legislative outreach. However, the still significant gap between the actual rate and the baseline rate suggests that legislative outreach may still need the strengthening suggested in the last indicator report, particularly in those committees that show a very low level of public involvement (*see Table 12*).

E. Finance Hearings (IR3.2.1c):

Number of PLC-initiated formal public hearings held to discuss government finance.

Table 13: Finance Hearings

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept. 00	2000
Annual Number	0	0	0	0	0	0	0	1

There were no PLC-initiated formal public hearings to discuss government finance during this period. Although ARD provided technical assistance to the Budget committee in conducting public hearings on the income tax law, there was reluctance on the part of the committee to initiate hearings. The budgetary review process has been among the most difficult and contentious aspects of the legislative review duties of the PLC. The executive branch has made it clear to the Council that it should pass the budget without debate and without engaging the public. The leadership of the Council has complied. It is therefore not surprising that, until this point, the PLC has not initiated public hearings on this subject – there was undoubtedly a concern that such activities could further inflame an already difficult process

F. Legislative Enactment (IR 3.2b): *Percentage of legislation passed by the PLC that is enacted.*

Table 14: Legislative Enactment

	PLC 1				PLC2	Oct 99 -	April 00 -
	96	97	98	99	Baseline	March 00	Sept. 00
Annual Ratio		2/3	10/15	8/12		6/5	5/11
Cumulative Ratio	0	2/3	12/18	20/30	20/30	26/35	31/46
Cumulative Percentage	0	66	66	66	66	74	67

Table 15: Laws Passed by the PLC and Enacted by the EA

<i>Laws Passed by PLC</i>	<i>Laws Enacted</i>
<i>April 1 – September 30, 2000</i>	
2001 Budget	2001 Budget
Labor Law	Labor Law
Statistics Law	Statistics Law
Specifications and Standards Law	Specifications and Standards Law
Traffic Law	Traffic Law
Consular Fees	
Penal Procedures	
Jerusalem the Capital	
Civil and Commercial Procedures	
Civil Aviation	
Income Tax	
<i>October 1, 1999 – March 31, 2000</i>	
2000 Budget	2000 Budget
Bar Association	Bar Association
Arbitration Law	Environment Law
Judiciary Amendment	Tenders for Public Works
Labor Law	NGO Law
	Commercial Agencies

The above table indicates why a Basic Law is needed to force action by the EA upon bills passed by the PLC. Without the requirement for action within a certain timeframe the EA can simply set aside the work of the Council. The Basic Law would impose a time frame for action upon the EA thus forcing it to approve or veto a bill. The option to ignore a bill would not exist.

G. Oversight Initiative (IR 3.2.1b): *Number of PLC-initiated proceedings held on specific non-legislative EA actions.*

Table 16: Oversight Initiative

	PLC 1				PLC2	Oct 99 -	April 00 -
	96	97	98	99	Baseline	March 00	Sept. 00
Number	14	67	75	70	70	25	11

Table 17: Types of Oversight Initiative

April 1 – September 30, 2000

	Initiator	Question/ Plenary	Investigation	Report	Public Hearing	Subject Total
Utilities	Member	2				2
Health	Member			1	1	2
Legal Services	Member	1				1
Security	Member	1				1
Human Rights	Committee				1	1
Government	Committee			1		1
Total		4	0	2	2	8

Table 18: Initiators of Oversight Activities by Reporting Period

Oversight Initiative Activities Initiated by:	<i>April 1 – Sep 30, 00</i>	<i>Oct 1, 99 – Mar 31, 00</i>
Committee	2	16
Member	6	9
Caucus	0	2

Table 19: Type of Oversight Initiatives by Year

Type of Initiative	1996	1997	1998	1999	Oct. 99 - March 00	April 00 – Sept. 00
Plenary Question	7	34	58	40	9	4
Investigation	3	8	7	6	7	0
Report	0	14	6	16	8	2
Public Hearing	4	11	4	8	1	2

The decline in oversight action is due partly to the Council shifting its attention during this reporting period to law making. In addition, the lack of executive branch response over the past four years has clearly discouraged the PLC from pursuing public or high profile oversight initiatives. Raising controversial issues that are only ignored by the executive branch would only draw more public attention to the relative weakness of the PLC. Nevertheless, the Council continues to make requests of the EA for information (oversight influence), mainly during the plenary question periods, which do not attract great public attention.

H. Oversight Influence (IR 3.2.1a):

Percentage of formal PLC requests for information or action that are formally responded to by the Executive.

Table 20: Oversight Influence

	PLC 1				PLC2	Oct 99 -	April - 00	Target
	96	97	98	99	Baseline	March 00	Sept. 00	2000
Annual Ratio	8/88	36/80	23/46	5/42		7/35	4/40	
Cumulative Ratio	8/88	44/168	67/214	71/256		7/35	11/75	

Cumulative Percentage	9	26	31	28	28	20	15	40
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The value of 15 percent for this indicator shows a substantial decrease from the baseline of 28 percent. It is also well below the 40 percent target number for 2000 . A comparison of the non-cumulative percentage (10 percent) with that of the last reporting period (20 percent) reveals a significant reduction even in the last six months (*see Table 21*).

This demonstrates that the Executive Branch is responding to a smaller percentage of the requests of the Council than it did during the PLC1 period, and falling well below the expected rate of response. Indeed, if the non-cumulative percentage remains the same for the next reporting period, it will indicate whether the trend of EA non-responsiveness in 1999 (when the non-cumulative percentage was 12 percent) is proving difficult to change; and whether the high non-cumulative percentage of last reporting period was simply an oddity.

Table 21: Absolute numbers/percentages of requests by year

	PLC 1				Oct 99 -	April 00 -	Total
	96	97	98	99	March 00	Sept. 00	2000
Absolute percentages	9	45	50	12	20	10	15
Absolute number of requests	88	80	46	42	35	40	75

In contrast, consideration of the absolute numbers of requests and responses indicates that there is an increase in the number of requests made by the PLC, both from the previous reporting period and past years (*see Table 21*). The total of 75 requests for 2000 is the highest number of requests to the EA since 1997, when PLC-EA oversight was more aggressive. This rising number suggests that the low response rate of the EA over the past three years (and particularly during 1999) has not discouraged the Council nor caused it to neglect its oversight role, at least in relation to requests for information from the EA. The PLC continues to make oversight efforts: investigating the government's performance; responding to the public's needs; and presenting requests for information and action.

Not surprisingly, the most active committee is the Education, Health and Social Affairs (EHSA) Committee (a governmental catchall), followed by the Oversight Committee (*see Table 22*). Since the jurisdiction of the EHSA Committee covers a broad area of public concern and government activities, it stands to reason that branches of the government (Ministries of Health and Education) that tangibly touch a large number of citizens would attract proportionately greater oversight interest from the Council. In addition, this committee has been the recipient of considerable project assistance in the form of training in oversight investigative techniques and public hearings.

Table 22: Number of requests by committees

Initiating Committee	Number of Requests		
	Oct 99 – Mar 00	April 00 – Sept 00	Total
Education, Health, and Social Affairs	11	22	33
Oversight and Human Rights	16	2	18
Economic	1	9	10
Budget	0	4	4

Security and Interior	0	3	3
Other	7	0	7
TOTAL	35	40	75

Although the absolute number of responses actually declined from the previous reporting period (from seven responses to four), the total absolute number of responses for 2000 more than doubled since 1999. This definite increase is a positive development, suggesting a possible upward trend in EA responsiveness to PLC requests.

But the significance of this increase should not be overestimated, particularly when considering the nature of the responses. Table 23, shows that in seven out of eleven cases over the last twelve months, the response consisted only of information provided in verbal or written form to the PLC, a relatively easy and superficial way of dealing with a request. In the last six months, all four responses were verbal and lacking any written supportive documentation. In the previous reporting period, the EA responded effectively to three requests. In one case, an investigation was begun but had no definite outcome. In the other two cases, joint EA/PLC committees were formed. Since their formation, the EA has not responded to the joint committees' enquiries, indicating that its responses rarely signal the implementation of substantive change in its behavior toward the Council.

Table 23: Oversight Requests to which there was an EA Response

Period	Type of meeting (Plenary or Committee)	Summary of formal request	Initiator of Request	Response from EA
<i>Oct 99 – Mar 00</i>	Plenary	Demands the Ministry of Health to reduce amount of treatment outside the country, to support the local medical services, and to ensure equality among beneficiaries from treatment abroad, when needed.	Education and Health Committee	Minister's verbal answers to questions and the report at the PLC session
	Plenary	Demands the EA to fulfill its obligations towards citizens, including providing treatment abroad in case of lack of appropriate medical services internally.	Education and Health Committee	Minister's verbal reply
	Plenary	Requests information about the situation for the patients who are suffering from Thalassemia disease	Committee	Establishing joint PLC-EA committee
	Plenary	Asks Minister Nabeel Amer for verbal and written information concerning the deadly Hebron factory fire.	The Speaker	Minister's verbal answers and written report
	Plenary	Asks for information on drugs and medicine smuggling through Gaza Airport.	Committee	Establishing joint PLC-EA Committee
	Plenary	Asks Ministry of Education for verbal and written information concerning teachers' strike.	Committee	Verbal and written documents by the Deputy Minister
	Plenary	Asks for information about human rights abuses in Al-Amal Center.	Committee	EA investigated the issue
	Plenary	Asks the Power Authority President for verbal and written information regarding the contract they signed with the electricity company in Ramallah. Asks them to implement recommendations of an investigative report.	Economic Committee	PA President written response Power Authority President verbal agreement to implement most of report recommendations

April 00 – Sept 00	Plenary	Asks the Ministry of Education to refrain from resorting to disciplinary and penal actions against teachers.	Education and Social Affairs Committee	Verbal response by Minister of Parliamentary Affairs
	Plenary	Asks the EA to update and inform the Council on developments of the teacher’s strike and of the work of the joint committee	Education and Social Affairs Committee	Verbal statement of PA President’s decision on the salaries of PA employees
	Plenary	Asks the EA to abide by the regulation requiring the submission of final accounts within the time frame established by law, prior to the end of the fiscal year.	Budget and Financial Affairs Committee	Verbal response by the Director General of the Budget (Ministry of Finance)
	Plenary	Asks the Ministry of Health to support local medical industries	Education and Social Affairs Committee	Verbal response by the Minister of Health

An additional challenge for the Council, and those working with it, remains how to move the EA from beyond simply responding to requests (although there remains significant need for improvement in this area), to actually implementing recommendations of the PLC.

Unfortunately, a loophole in the PLC’s oversight process means that PLC requests, and EA responses to them, are easily lost in the bureaucracy, undermining the PLC’s oversight influence. Under current procedures, requests are given to the Minister of Parliamentary Affairs, who distributes them to the appropriate ministry or governmental body. However, once the requests leave the Minister’s hands, the committee clerks responsible for monitoring them lose sight of the paper trail. The project needs to work with the Council to introduce a system of tracking PLC resolutions to accurately determine whether -- and to what degree -- the EA responds to them, and to record that response in the Council's official records. Only when the responses are officially and regularly monitored can the PLC take steps to improve the overall EA response to their oversight inquiries.

I. Response to Constituents (IR 3.2.3b):

Percentage of recorded constituent inquiries that receive a formal response from PLC Member or staff.

Table 24: Response to Constituents

	PLC 1				PLC2 Baseline	Oct 99 - March 00	April 00 - Sept 00
	96	97	98	99			
Number Inquiries	n/a	n/a	n/a				
Number responses	n/a	n/a	n/a				
Annual Percentage	n/a	n/a	n/a	88	88	100	100

Constituent offices continue to have a very good record of responding to constituent inquiries, indicating that all documented inquiries received responses. As seen in Table 21, the response rate has remained 100 percent for the last twelve months, following a rise from 88 percent in 1999.

Due to the relative newness of this indicator, it is difficult to chart the development of the response rate. In addition, the “perfect score” of inquiry response leaves little room for analysis,

particularly when it is clear that differing patterns exist within the constituent office structure. Furthermore, anecdotal information suggests that the 100 percent may be skewed by the fact that not all inquiries are documented, due to sensitivity of the information, Members' monopoly of data or poor office documentation.

In an attempt to provide a more transparent, supplementary indicator, ARD took advantage of the new casework tracking software to elicit data on the number of inquiries *resolved* within the reporting period. For this indicator, a resolved inquiry is defined as a case that has been closed by the constituent office. (Depending on the office, cases are closed either when a satisfactory response is received or when a set period of time has elapsed without a satisfactory response being received.) ARD is aware that this supplementary indicator leaves room for ambiguity and plans to work with the constituent offices to define this indicator in terms of *satisfactory* resolution of inquiries.

Types of constituent inquiries were similar throughout the West Bank and Gaza, over the last six months (*see Table 25*). Employment tops the list, with financial support and health problems close behind. This list closely corresponds to the frequency with which these issues were brought up at town meetings. (The category "Others" also appears near the top of the list, but since it is a category of miscellaneous items, its high ranking is misleading. Issues included under "Others" are house demolitions, land confiscation, domestic or community disputes, unfair dismissal, etc.)

Although the designation of categories came from the constituent offices, the system may not yet be flexible enough to reveal a true picture of popular subjects: constituent staff have mentioned having difficulty knowing where to put a case that falls within several categories. Another source of ambiguity is the category "Official," which includes complaints against executive branch bodies, such as the security forces and municipalities. From interviews with ARD and constituent office staff, it is clear that the majority of "Official" cases go unreported due to the sensitivity of the complaint or the fact that Members often deal with such complaints without informing their staff.

There is a marked difference in the ranking of subjects between the last six months and the previous reporting period. This may be due to the transition from manual filing to the casework software, which also brought a modification in category definition.

Table 25: Subject of inquiry-by-inquiry rate

West Bank		Gaza		Total			
April 1 - Sept 30 00				Oct 1 99 - Mar 31 00			
Employment	1276	Employment	829	Employment	2105	Others	1734
Financial Support	1232	Others	614	Financial Support	1620	Official	1294
Health	1244	Financial Support	388	Others	1755	Financial Support	1128
Others	1141	Health	347	Health	1591	Employment	941
Official	272	Academic	309	Academic	527	Health	910
Academic	218	Official	68	Official	340	Academic	364
Total:	5383		2555	Total:	7938		6371

Total inquiries improved by 20 percent from the previous reporting period, rising from 6371 inquiries to 7938. This may have occurred because 1) constituent office staff are now more

familiar with the tracking software, resulting in more accurate documentation, 2) improved office performance encouraged more constituent inquiries and, 3) the current conflict caused more constituents to seek assistance from the government.

The rate of inquiry per constituent office varies greatly across the region. While this often depends on the constituency population, the reputation of the local Member and the structure of the constituent office can also influence inquiry rate. Some offices are disproportionately popular and attract inquiries from outside their constituencies because their Member is known to have good connections to the Executive Authority (e.g. Salfit), to be generally powerful (e.g. Hebron 2), or to be skilled at solving particular problems (e.g. Jerusalem, whose Member commonly works on the issue of Jerusalem identity cards).

Conversely, the high status of a Member can lead to underreported inquiries. The Jericho Member, Sa'ab Erekat, is also a cabinet minister and predominantly deals with constituency inquiries through his ministerial office, leaving his constituent office appearing largely inactive. Other reasons for low levels of inquiry rate include lack of personnel trained in tracking inquiries, general office inactivity, and a Member whose constituent interactions bypass his staff.

The variance of inquiry rate between the West Bank and Gaza may be due to the fact that the Gaza offices is not as comfortable with the tracking software as the West Bank offices, leaving their results potentially inaccurate.

Over 40% of Members still choose not to open a constituent office, which leaves their staff beyond ARD's scope. Therefore, it can be assumed that the *actual* rate of inquiry is much higher than the rate reported here.

According to the tracking software, 54% of inquiries were resolved. In the last reporting period, resolution percentages were only available for the West Bank, making it difficult to chart overall growth. However, a comparison of West Bank data reveals a remarkable improvement during the last 12 months. Resolution of West Bank inquiries was 72% in the last six months, up from 48.7% in the previous reporting period. This may indicate that, after four years of constituency work, Members and their staff are more familiar with the channels through which they cases can be effectively solved. Staff may also be accurately reporting casework for the first time, following the introduction of the new software.

Resolution of inquiry differs between regions and offices, which is a natural result of the varied skills and personalities involved. The West Bank offices report a significantly higher rate of resolution (72%) than the Gaza offices (37%). Interviews with Gaza staff suggest that a residual discomfort with the new software may have resulted in an underreporting of casework. For instance, ARD staff reported that one Gaza director had told his staff not to use the software because of suspicion of ARD's motives.

Roughly two-thirds of all the constituent offices (10/16) resolved over 50% of their constituent inquiries. Generally, high rates of resolution correspond with the Member's influence or level of activity (e.g. Nablus, Hebron and North Gaza). However, the resolution rate can vary between inquiry types, which skews the results for certain offices. The Jerusalem Member is highly active, with staff that choose to report only cases that are satisfactorily resolved. However, his

resolution rate appears low because one of the most frequent inquiries to his office (problems with Jerusalem identity cards) can potentially take years to solve – making it difficult for his staff to provide an accurate picture of his current activities.

The nature of the response varies. Inquiries are answered either by direct assistance from the Member or his staff or by referral to other governmental bodies. Informal, and often immediate, responses can be telephone calls, verbal referrals, meetings or instant financial assistance. Formal responses consist of official letters. Other responses do exist: one Member took part in a demonstration against land appropriation when a constituent complained that the Israelis had confiscated his property.

In conclusion, although this indicator remains problematic, the evolving nature of the software that elicits the data means that future reporting periods will be able to conduct broader, more focused analysis. It also presents an exciting challenge for ARD and the constituent offices to study constituent inquiry/response patterns to identify areas needing further exploration.

J. PLC Employment (IR 3.2.4a):

Percentage of new staff hired by a documented competitive process.

Table 26: PLC Employment

	PLC 1				PLC2	Oct 99 -	April 00 -
	96	97	98	99	Baseline	March 00	Sept. 00
Average (on 9 pt scale)	n/a	n/a	n/a	n/a			
Annual Percentage	0	20	0	0	0	0	0

Transparent hiring procedures are still not being followed in hiring staff for the PLC, i.e positions are not usually advertised or applicants are not interviewed by a full committee. Employment continues to be mostly decided in the higher echelons; the PLC Leadership (particularly the Secretary General and the Speaker) approve requests for employment by PLC Members, who then send resumes to the Personnel Department to be matched with an appropriate position. Members usually put forward resumes because of *wasta* (or “connections/influence”) or as informal aid for disadvantaged constituents. Implementing transparent, accountable and merit-based hiring processes may also threaten employees hired through the current system who are unqualified for their current positions.

On the whole, managers are rarely able to participate in this hiring process. If managers do identify the staffing needs of their unit and approach the PLC Leadership or the Financial Department to request specific additional positions, their requests are often denied, generally on the basis of insufficient funding.

However, progress is gradually being made, as ARD activities slowly take effect. Although the leadership pressure to hire candidates named by them is currently insurmountable, certain managers are struggling to use appropriate procedures to ameliorate the situation. Some managers have refused to accept unskilled candidates, while others try to find a position in which the new employee can most benefit the department.

In the last period, ARD decided to focus on developing a system that ensured that:

- all staff have job descriptions;
- PLC staff managers are able to identify their staffing needs and develop corresponding detailed staffing requests; and
- a transparent hiring process is implemented to match candidates' qualifications to these requests.

With ARD's encouragement, the directors of the Personnel Unit agreed to an informal outline of hiring procedures. Middle management backing for transparent hiring is an important step towards convincing the PLC leadership and enables ARD to achieve positive impact, even without full institutional support. A Policy Manual, which includes key information from the Civil Service Law, including hiring stipulations, will be finalized in April 2001 and distributed to all Members and staff. In addition, ARD hopes to win PLC approval to distribute more detailed procedures on hiring to all Members and department directors in Quarter Seven of the project.

K. PLC Procurement (IR 3.2.4b):

Percentage of PLC official procurement following transparent procedures.

Table 27: PLC Procurement

	PLC 1				PLC2	Oct 99 -	April 00 -	Target
	96	97	98	99	Baseline	March 00	Sept 00	2000
Average	n/a	n/a	n/a					
Annual Percentage	5	5	10	15	15	67	86	20

The Procurement Department continues to improve its compliance with PLC standard procurement procedures, according to data collected from five staff in the Procurement Department. In contrast to ARD's modest assumptions of 20 percent compliance during year 2000, in the last six months, the department used standard procedures in 86 percent of its procurements. This is an increase from the 67 percent compliance of the previous reporting period (which also exceeded the 2000 target) and a marked jump from the 15 percent compliance in 1999.

The increased compliance in the last twelve months corresponds with the department's adoption of procurement forms and procedures, under ARD's guidance, indicating that the project's assistance to the Procurement Department has been effective. Department staff have enthusiastically incorporated the procedures into their work and find that striving for transparency brings a much-needed definition of job descriptions and responsibilities. Additional impetus for compliance comes from the Finance Department - whose monitoring role was strengthened by ARD assistance; the department refuses any non-transparent payment requests, which demonstrates a growing acceptance of procurement standards by relevant PLC bodies.

Table 28 shows that compliance varies by procurement value category. Compliance is highest in the smallest and largest procurement categories. This is presumably because the procedures for the lowest procurement category are relatively easy to follow; and the high costs involved for the

most expensive category make it imperative that the procedures are followed. (This explanation is supported by the fact that the pattern of compliance remained the same over the last twelve months.) The overall increase indicates that ARD was successful in targeting the lower compliance rate in procurements ranging from \$500-\$10,000; however, more attention is needed to bring the middle categories up to the standard set in the peripheral categories.

Table 28: Compliance with Procurement Procedures by Procurement Category

Procurement Category	Estimated Compliance with Procedures	
	April 1 – Sept 30 00	Oct 1 99 – March 31 00
Less than \$500	98%	81%
\$500-\$3,000	85%	62%
\$3,000-\$10,000	72%	54%
More than \$10,000	91%	70%

An examination of varying degrees of compliance (*in Table 29*) indicates that, although ARD has far exceeded its expectations in achieving a high level of compliance, the project must maintain follow-up to ensure that the PLC fully institutionalizes standard procurement procedures. (In order to provide practical training in high value bids, ARD took the lead in the final stages of the purchase of the three items over \$10,000; therefore, in their evaluation, the Procurement Department accurately described their role in the procurement as partial.) Further strengthening of the Procurement Department’s internal procedures, such as record keeping, should result in an even higher level of compliance in the next reporting period.

**Table 29: Degree of compliance with procedures
April 1 – September 30, 2000**

Category	No of purchases	Degree of compliance			
		Overall	Full	Partial	None
Less than \$500	44	98%	77%	21%	2%
\$500-\$3000	72	85%	41%	44%	15%
\$3000-\$10000	60	72%	56%	16%	28%
More than \$10000	3	91%	63%	28%	9%

IV. SUMMARY AND IMPLICATIONS

By their nature, indicators measure specific elements of a legislature’s performance. While not comprehensive, this type of quantitative and qualitative analysis using well defined specific indicators, or samples, can provide valuable indications of the Council’s performance in key areas. In addition, if trends are repeated in different indicators, this can help identify significant trends in the legislative process. Table 30 below presents a summary of the main findings and implications for each indicator.

Table 30: Indicator Summary and Implications

Indicator	Main Findings	Implications
Legislative/ Executive Process	<ul style="list-style-type: none"> The Diwan and the Ministries reviewed all legislation submitted to the PLC during the latest time period. 	<ul style="list-style-type: none"> EA review of legislative proposals is becoming more refined. Legal review procedures for EA draft laws have become standard practice Better quality legislation is being drafted by the EA.
Legislative Initiative	<ul style="list-style-type: none"> A smaller proportion of passed laws is being initiated by PLC. The PLC appears to be focusing on reviewing EA-laws, rather than initiating its own laws. PLC is still not initiating enough laws in response to public concerns, although PLC laws are “popular” when legislative initiative occurs. 	<ul style="list-style-type: none"> Develop the capacity of the PLC to initiate laws in response to public concerns. Boost productivity of the Legal Department in draft legislation.
Legislative Review	<ul style="list-style-type: none"> The PLC moderately exercises its power to amend EA proposals 	<ul style="list-style-type: none"> PLC needs to develop capability and will to amend draft laws that need improving.
Legislative Outreach	<ul style="list-style-type: none"> The percentage of laws exposed to public review increased slightly, but is still significantly below the baseline. 	<ul style="list-style-type: none"> Confirm this trend next period Support should be targeted on those committees with low legislative outreach.
Finance Hearings	<ul style="list-style-type: none"> No finance hearings were conducted 	<ul style="list-style-type: none"> Involving public in the review of this critical legislation and expenditures should be a high priority for the PLC
Legislative Enactment	<ul style="list-style-type: none"> Eleven laws were passed by the PLC, but only five were enacted. 	<ul style="list-style-type: none"> The delay in enacting laws passed by the PLC points to the need for a basic law that requires the executive to respond to the lawmaking actions of the legislature.
Oversight Initiative	<ul style="list-style-type: none"> Number of initiatives has declined. 	<ul style="list-style-type: none"> PLC chooses to focus its efforts on lawmaking and discouraged by lack of EA response.
Oversight Influence	<ul style="list-style-type: none"> Proportion of responses from EA decreased in the last six months, but it has nearly doubled since 1999. The number of PLC requests on the EA has increased, indicating continued oversight efforts by the PLC. However, impact of such requests/reposes on EA behavior appears to be limited 	<ul style="list-style-type: none"> There is a continuing need to increase the responsiveness of the EA to PLC requests The PLC must develop an adequate tracking system for oversight requests to monitor the request-response ratio. The PLC needs to consider how to increase the impact of oversight activities on EA behavior
Response to Constituents	<ul style="list-style-type: none"> The rate of inquiry is rising. There is an extremely high rate of response to constituent inquiries An increased percentage of these cases is resolved 	<ul style="list-style-type: none"> Indicator needs refining PLC needs to further develop its capacity to translate constituent concerns into legislative process
PLC Employment	<ul style="list-style-type: none"> No transparent hiring practices 	<ul style="list-style-type: none"> This is an important area of internal administration that needs developing
PLC Procurement	<ul style="list-style-type: none"> High reported conformity with transparent procurement procedures, particularly with relation to the lowest and highest procurement categories 	<ul style="list-style-type: none"> Need to focus on improving procurement practices for second and third category of procurement Further assistance in record keeping would result in even higher compliance.