Final Report

BUILDING THE CAPACITY OF THE PALESTINIAN LEGISLATIVE COUNCIL

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workshops on specific articles of the rules of plenary procedure which were open to all interested Members. Throughout the period of this grant, NDI staff responded on a continual basis to requests for information and assistance from individual Members. NDI also translated relevant materials into Arabic on all four topic areas mentioned above and distributed these materials to Council Members within the context of each specific program activity.

Throughout its work, NDI has established its credibility among Palestinian legislators as a professional, reliable and responsive partner with a breadth and depth of information about legislative practices worldwide that is unparalleled. NDI has engaged PLC Members in an ongoing discussion about issues of concern to them and has solicited ongoing feedback about how to address most effectively the needs of the Legislative Council.

Over the course of this grant period, the Council, with assistance from NDI, accomplished the following:

- **Increased adherence to the Council's Standing Orders**, which enhances the overall efficiency and organization of Council sessions. Towards that end, on the PLC's first anniversary in March 1997, NDI published and distributed to all PLC Members the Council's Standing Orders in a hand-size binder. This has prompted Members to read and invoke the rules during plenary and has contributed to a marked increase in reference and adherence to the Standing Orders. NDI also produced, in Arabic, a "wheel" with Robert's Rules of Order for quick reference on parliamentary motions.

- **Institutionalization of question period**, whereby PLC Members ask questions -- previously submitted to the Speaker -- of Ministers at a specified time each week. At the beginning of NDI's program with the PLC, question period was provided for in the Standing Orders but had not yet been put into practice. NDI first stressed to Council Members the importance of question period during a March 1997 workshop dealing with plenary procedures. In May of 1997, NDI, in cooperation with Associates in Rural Development (ARD) and the Center for Palestine Research and Studies (CPRS), organized a workshop on the topic of legislative-executive relations. This workshop included an in-depth presentation from an NDI-sponsored Australian Member of Parliament (MP) about the importance and utility of the question period. The PLC instituted this practice shortly thereafter, and the Council now devotes a portion of its Thursday sessions to the formal questioning of ministers.

- **Improvements in setting and adhering to the Council's agenda**. NDI's March 1997 workshop on plenary procedures focused in part on scheduling the work of a legislature. This was followed by two mini-workshops, held in the West Bank and repeated in Gaza, specifically addressing procedures for adopting and amending agendas. Since that time, the Office of the Council has

I. EXECUTIVE SUMMARY

In the two years since the historic elections to the Palestinian Legislative Council (PLC), the Council has emerged as a central institution in the effort to develop a democratic political system in the West Bank and Gaza Strip. Despite the Council's limited jurisdiction and setbacks to its work from both internal and external sources, a large number of PLC Members have demonstrated a commitment to making the Council a responsive and responsible legislature. The National Democratic Institute's (NDI) assistance to the PLC has been driven by the belief that the Council can become a competent, responsive, transparent and accountable institution, and consequently serve as a vehicle for constructive citizen participation and democratic governance. A legislature with these qualities will be able to function as a responsible check on the executive and provide a transparent national forum for the discussion of public policy and for the development of compromise and consensus.

NDI has worked with the PLC since its first legislative session in March 1996. NDI staff have attended nearly every PLC plenary session, observed the proceedings, taken exhaustive notes and consulted with PLC Members about their concerns. During the 18-month period covered by this grant, NDI conducted a series of activities designed to address *four major topic areas, or modules*: (1) the role of committees in a legislature; (2) plenary organization; (3) legislative-executive relations; and (4) constituency relations. These topics were highlighted in workshops and study missions that provided PLC Members with comparative information from around the world. The topics were further complemented through a series of mini-workshops on specific aspects of plenary procedure, a two-day retreat with the Council's Economics Committee, the provision of relevant materials on all topics in Arabic, and ongoing formal and informal consultations with PLC leadership and individual Members.

NDI's workshops brought legislators from eight countries -- Australia, Canada, Georgia, Ireland, Nepal, South Africa, Sweden and the United States -- to meet and discuss legislative issues with their peers in the Legislative Council, providing the Palestinian legislators with an expert sounding board and a broad range of options from which to develop their institution.

In order to reinforce topics raised in workshops and enable Members to view the operations of other transitional legislatures first-hand, NDI organized study missions to Hungary and the Republic of Georgia. The purpose of the study missions was to expose PLC Members to the proceedings of the legislature; meet with Members of parliament, their leadership, and committee chairs; and meet external actors in the legislative process to discuss the challenges of making the transition to democracy and strategies that can be employed to develop a strong legislature.

In addition, NDI resident staff organized several smaller-scale programs, including a retreat with the Economics Committee to address committee issues in-depth and mini-

of procedure, in setting the legislative agenda and handling draft legislation, in committee work and in meaningful oversight of the executive. NDI's program contributed directly to these results by providing legislators with comparative information and practical advice on how to organize an effective, democratic legislature. NDI believes that with continued improvement of the kind witnessed to date, the Palestinian Legislative Council can indeed become a crucial and effective institution in the consolidation of Palestinian democracy.

II. BACKGROUND

A. The Palestinian Legislative Council: A Brief Background

The Palestinian Legislative Council was elected on January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self-Governing Authority in accordance with the Declaration of Principles, the Cairo Accords and the Interim Agreement. The Council is the first legislative body to represent Palestinian residents of the West Bank, Gaza Strip and East Jerusalem. Since their election, Council Members have struggled hard to establish the Council's independence and to nurture the new source of political strength that brought them to office -- their popular mandate. Below is a summary of some of the singular characteristics of and challenges faced by the PLC.

1. Limitations in Jurisdiction

Although the Palestinian Legislative Council faces unique challenges, it is of enormous potential importance to the prospects for democracy in the West Bank, Gaza Strip and East Jerusalem. Some of the PLC's unique circumstances include the fact that:

- the basis for the PLC is an agreement between the Israeli government and the Palestinian Liberation Organization (PLO);
- the Council does not represent a nation-state and is a legislature of limited jurisdiction;
- this is the first elected body to represent Palestinians living in the West Bank, Gaza Strip and East Jerusalem; and
- the State of Israel wields a significant degree of control over the lives of the electorate represented by the Council.

The Council faces a number of additional challenges, many of which relate directly to unusual limitations that have made it difficult for the institution to evolve into a fully functioning legislative body. The Council has no antecedent that it is reforming, but rather faces the formidable task of building itself from scratch. Moreover, the Palestinian Authority, in place two years before Yasser Arafat and the PLC were elected, is unaccustomed to power sharing. The Council also works in an environment in which its jurisdiction is limited. Council Members are powerless to adopt laws in several areas of great importance to their constituents, such as Israeli government closures of the Palestinian Territories, the ongoing

been more systematic in distributing its agenda in advance, resulting in Members being better prepared for debate and less time being spent on arguing and amending the agenda, leaving more time for addressing the substantive issues before the Council.

- **Creation of the Council Affairs Committee (CAC)** to organize the overall administrative matters and planning of the Council's work, including scheduling of legislation and committee reports, and setting the short- and long-term work plans of the Council. Swedish, Canadian and Georgian parliamentarians who participated in NDI's workshop on plenary organization in March 1997, described the committees in their respective legislatures that perform the functions of the CAC. Immediately thereafter, several Members who had attended the workshop recommended to the Speaker the formation of a similar committee within the PLC. In response to a subsequent request by the Speaker, NDI staff obtained additional detailed written materials from those international participants regarding their respective committees and delivered these materials to the Speaker. The Council Affairs Committee was formed in May 1997 and finally began operating in October of the same year.

- **Improvements in the functioning of committees**, which now spend less time handling constituent complaints and more time engaged in actual legislation. NDI conducted a workshop on the role of committees in December 1996 that emphasized the legislative, policy and oversight functions of committees. Since that time, some PLC committees have shifted focus away from responding to constituent complaints and are now playing an improved, though still inadequate, role in developing and managing legislation and executive-legislative relations. NDI resident staff worked intensively with the Economics Committee, at the request of its chair, to advise it in the functioning of committee meetings and to assist committee Members in the short- and long-term scheduling of committee work.

- **The issuing of a report, by a special committee of the PLC, describing and condemning corruption within the Palestinian Authority.** The Council's report, issued in July 1997 in response to a report of the General Comptroller of the Palestinian Authority, was widely reported and served to put the PLC "on the map" as an institution with oversight authority and the capacity to hold the executive accountable on issues of urgent concern to the Palestinian electorate. The primary authors of the report had been active participants in the joint NDI/ARD/CPRS workshop on legislative-executive relations that took place in May 1997.

At the conclusion of this program, the Council had demonstrated significant, albeit incomplete, improvement in a number of important areas, most notably in adherence to rules

4. *Plenary Procedures*

The Council also has yet to implement efficient plenary procedures. Although the situation is improving, significant plenary time is still wasted in setting and amending the agenda, rather than discussing the substance of the agenda. Moreover, the concept of motions seems to be a foreign idea. Votes, in addition, are not taken in a systematic manner, and often there are several amendments on the floor when a vote is taken. In its consideration of the first reading of the draft Basic Law, for example, the Council spent endless hours deliberating each article of the text, without any reference or deference to the Legal Committee's recommendations or any limitations on debate. In the end, the Basic Law draft was written entirely by an *ad hoc* "rewording committee" and the whole version was summarily adopted by the Council.

5. *Committees*

While the Council has twelve standing committees, they still struggle to have a significant impact on legislative drafting and review, overseeing the executive and encouraging public participation in the policy-making process. Despite the committee format, the focus of most Council work still occurs in the plenary. Line-by-line consideration of all bills, for example, occurs in the plenary sessions, rather than in the relevant committee. While some committees are developing an increased capacity to draft and review legislation, as well as encourage public participation in the policy-making process (e.g., holding public meetings on draft legislation), this is still in its early stages. Moreover, committees spend a significant amount of time handling constituent complaints, instead of focusing on legislation or policy issues. This unusual arrangement, mandated in the Standing Orders, diminishes personal contact between individual legislators and their constituents at the local level and also diminishes the PLC's accountability vis-a-vis its electorate.

6. *Conclusion*

Notwithstanding the challenges enumerated above, the Council also has several strengths. First, most Council Members appear to be committed to making the Council an independent legislative body that has a substantial role in determining government laws and policy. Second, Council Members recognize the importance of the fact that they are elected. Many have commented that their election provides them with a new form of political power -- verified popular support -- which they can invoke in support of their efforts to oversee the executive and in support of their efforts to build a strong institution. Third, the Council has not succumbed to being a rubber stamp for the executive. While it may not yet be optimally organized and strategic, the Council has spoken out against the government's abuses (i.e. monopoly practices and human rights abuses), and it has debated and adopted laws. The Council reviewed and passed a variety of draft legislation, although this legislation is still waiting to be signed by the executive. In addition to passing the Local Elections Law, the Council passed the third reading of the Local Government Law, the second readings of the

expansion of Israeli settlements, and final status negotiations. Public expectations that their representatives would address these issues were raised by campaigns, prior to the January 1996 elections, which relied heavily on promises of Palestinian statehood with Jerusalem as the capital despite the fact that these areas of interest do not fall under the PLC's jurisdiction. These constraints pose an ongoing challenge to the Council's credibility with the voters who elected it and who are not always aware of, or patient with, its limitations.

2. *Public Perception*

Public exasperation with the PLC has been heightened by a lack of understanding of the legislative process as well as a dearth of information about the PLC in the press. In the absence of a clear legislative process and of an executive willing to share power or work cooperatively with the legislature, PLC Members have relied on passing resolutions to make their political will known to the public and their constituents. Members have passed dozens of resolutions calling for a solution of the settlement crisis and the Hebron issue, and for progress on the final status negotiations. They have also passed resolutions on issues that actually do fall within their mandate. For example, the Council has adopted resolutions urging the executive to stop monopolizing the gravel trade and to release political prisoners held without charge. Still, many Council Members seem to be confused about the difference between passing resolutions and adopting legislation. While they craft resolutions instructing or urging the executive to take certain actions, the Council has yet to draft and adopt legislation requiring the executive to act. Council Members themselves have expressed frustration that the Executive Authority has not acted upon its resolutions, but their own confusion may well have heightened the public's sense of the Council's impotence. A June 1997 poll conducted by the Center for Palestine Research and Studies, for example, showed that Palestinians viewed the performance of the PLC less favorably than the Palestinian Authority and the Palestinian security forces.

3. *Party Structure*

Another unusual aspect of the Council is that it lacks organized party structures and partisan divisions. Approximately 70 percent of the 88 Council Members are affiliated with Arafat's Fateh movement; others are either independent or part of a small group of Islamists. In Council proceedings, however, affiliations are usually muted. The Council has no formal or informal internal political structures, such as party caucuses. In some respects, this enables the Council to take a unified stance in support of the institution's independence. At the same time, however, the lack of party structures has significantly impaired the Council's internal organization and efficiency. When deliberations were conducted over the Basic Law during the summer of 1996, for example, they involved dozens of points of view rather than two or three or six organized points of view. In the absence of party structures, the Council plenary serves as both a forum for formal deliberation and a place for the more exploratory discussions that normally occur in party/caucus meetings in other legislatures. A lack of clarity and focus, through party platforms, results in inefficient and unproductive Council deliberations.

National Council (PNC), which is the PLO's legislative arm, had published the fourth draft of the Basic Law in January, 1996. Before adjourning for the summer recess in August 1996, the PLC adopted a revised version of the Basic Law. (NDI had organized a workshop for Council Members on the Basic Law in May 1996).

The Council reviewed a draft of the Basic Law presented by its Legal Committee, debated the draft article by article, submitted it to a special *ad hoc* "rewording committee" and subsequently adopted that committee's draft. The Council called this process the "first reading" and sent its revised version of the Basic Law to the Palestinian Authority for comment. In discussions with Members of the rewording committee about the process, NDI found that the committee Members (as well as other colleagues) were not troubled by this process; they found it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. The Council agreed to entertain the executive's comments on the Basic Law; Arafat, however, has not committed to the enactment of a constitution to date. Given this inaction, the Council decided to begin the second reading of the Basic Law, which was passed in July 1997, even though the executive had never approved the first reading.

A similar frustration with executive inaction occurred with the budget process. Specifically, while the Standing Orders stipulate that the budget should be submitted to the Council at least four months before the beginning of the year (i.e., in September), the Budget Committee of the PLC did not receive the 1997 budget until March 1997. The executive did not put forth a clear reason for the budgetary impasse, which only added to legislative-executive tensions. This flawed process represented a serious point of contention between the PLC and the executive, to the point that there were several calls from Members to have a vote of no-confidence in the Finance Minister. In the end, a vote was not taken, as the budget was eventually submitted. Nevertheless, this process highlights the main frustrations and tensions between the two branches.

That there are Cabinet Members who are also Members of the PLC could provide the opportunity for stronger links and coordination between the legislature and the executive. However, many of these Cabinet Members seem to owe their allegiance to the President more so than to the legislature. Moreover, some of these ministers rarely, if ever, attend PLC sessions. Other Cabinet Members, nonetheless, are outspoken independents who remain active in the Council. For example, Hanan Ashrawi, Minister of Higher Education, has particular influence not only within the PLC, but within the Palestinian population at large and, presumably, within the Palestinian Authority as well.

The Council has become more effective in the areas of enhancing government accountability and oversight of the executive. Following the presentation of the General Comptroller's report of corruption in the PA at the end of May 1997, the Council formed an *ad hoc* special committee to investigate the report's findings and to produce a report of its investigation to the PLC. There were eight Members on this committee: four from the Budget Committee and four from the Oversight Committee. They conducted a 50-day investigation,

Budget, Civil Service and Basic Laws, as well as the first reading of the Monetary Authority and Petroleum Commissions Laws.

Perhaps the greatest challenge is the overarching one of establishing the legitimacy of the legislature itself as a partner in governance. The Palestinian Authority, and its chief executive President Arafat, are not accustomed to scrutiny, criticism or shared decision-making. Arafat is a member of the Council and has consistently challenged the Council's authority, autonomy and prerogative. One hour into the Council's first deliberative session, Arafat stormed out of the meeting because Members declined to pledge their oath of office to him personally. Arafat's attitude toward the Council has not changed significantly from that opening moment. He has repeatedly ignored requests from the Council for cooperation and declined to provide information that the Council needs to complete its work. This problem has been particularly acute in relation to the Council's ability to set its agenda. The Council's two major goals for its first session -- confirmation of the cabinet and approval of the Basic Law -- could not be scheduled because both depended in some part on cooperation from Arafat. As a result, no constitutional framework clarifying, even in law, the process of law-making is yet in place.

B. Review of Council Proceedings

The 89-member Palestinian Legislative Council (88 Members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council Members with a substantially revised set of Standing Orders, which were adopted after a long and, at times, acrimonious 14-hour meeting. (See NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*).

Subsequently, on April 4, the Council voted to accept the list of the Members of the Council's eleven committees. In accordance with the Standing Orders, Members requested their committee assignments (a maximum of three) and following negotiations, the Speaker presented the lists to the Council for approval.

During its first session, the Council met regularly on Wednesdays and Thursdays of each week, except for a summer recess in August. Council meetings alternated between Ramallah in the West Bank and Gaza City; although, since the summer of 1996, most of the meetings have been held in Ramallah. The Council committees generally met on Mondays and Tuesdays. In its second session, the Council began to alternate plenary sessions and committee meetings on a weekly basis.

After adopting its Standing Orders and establishing committees, the Council's first task was to adopt a Basic Law, or constitution, for the Interim Period, that is, until final status negotiations are completed (scheduled for May 1999). The Legal Committee of the Palestinian

Standing Orders while the assessment was taking place. The assessment team included former Canadian MP Ross Reid, as well as NDI staff Members Susan Benda and Kevin Johnson. The team met with 22 Members of the Council from March 7 to 20, as well as with journalists, civic leaders, academics and representatives of donor organizations. The assessment team subsequently met with other Council Members, attended almost all Council sessions and, in response to requests from Council Members, provided consultations and materials on a variety of topics.

During the assessment, NDI had the opportunity to hear Members' visions for the Council, their sense of their individual and collective priorities, and the obstacles and opportunities the Council faces as an institution. Most of the Council Members consulted stated that a first institutional priority was the adoption of a Basic Law, and that the Basic Law would be a key indicator of the Council's democratic potential. Today, Council Members continue to refer to the need to adopt a Basic Law in order to address other important pending matters.

2. *Basic Law Workshops*

NDI conducted two workshops on the Basic Law in May 1996. The international participants attending that program included a Jordanian attorney with constitutional expertise; the former Chairman of the Judiciary Subcommittee on the Constitution of the U.S. House of Representatives; the then-current Chair of the Hungarian Parliament's Judiciary Committee; a former member of the French National Assembly who currently serves as legal advisor to the Prime Minister; and a former Canadian Member of Parliament who participated in Canada's constitutional amendment process. The program provided a forum for Council Members to speak with experienced legislators about constitutional issues, particularly issues related to executive-legislative relations. The international participants led discussions on constitution writing, options for creating a proper balance between the legislative and executive branches, and for ensuring implementation of constitutional provisions.

3. *Other Activities*

After the May 1996 workshops on the Basic Law, NDI staff in Jerusalem continued to attend Council meetings and to provide assistance on specific topics as requested. For example, in response to the apparent disorder in the PLC's process of considering the draft Basic Law, NDI drafted a memorandum in August 1996 which set forth procedures for plenary consideration of legislation in Australia, Great Britain and the United States. This memorandum was distributed to key actors, including the Speaker. In addition, NDI staff conducted consultations with Council Members as they continued deliberations on the Basic Law. NDI also organized a day-long seminar focusing on issues of legislative oversight of the executive for a delegation of six PLC Members who visited Washington in mid-August 1996.

after which they produced a 60-page report on their findings. The report examined all of the government ministries, though not other institutions of the PA (to the dismay of many ministers and Council Members alike), and concluded that all but three ministries (Justice, Higher Education and Agriculture) were rife with administrative flaws and corruption. The report called for further investigations of several ministers, including Jamil Tarifi (Civil Affairs), Nabil Shaath (International Planning and Cooperation) and Yasser Abed Rabbo (Culture). The report concluded with a recommendation that Arafat disband his entire cabinet and replace current ministers with "technocrats and experts." To this end, the committee suggested that the Council take a vote of no-confidence in Arafat's entire cabinet.

The significance of this report lay in the precedent it set for enhanced legislative-executive relations and government accountability. While many ministers did not agree with the content of the report, there was an overall recognition on their part that a key precedent for government accountability was being set. Moreover, the seriousness with which the ministers responded to the report symbolized that greater information-sharing between the legislature and the executive, something critical to any democratic system, would likely be enhanced in the future.

Shortly after submitting the corruption report, the Council went on recess and reconvened in mid-September. This next session of the Council saw continuing irregular procedures as the Basic Law was once again placed on the agenda by the Speaker for debate and vote. This was done despite the fact that the Basic Law had already passed the second reading as amended at the end of the last session in July. The concern with this practice is two-fold: 1) a poor precedent was being set for amending legislation; and 2) in normal circumstances, a constitutional challenge to the validity of the Basic Law could be successful as such an improper procedure had been used. Unfortunately, irregular debate of the draft Basic Law continued through the end of the year and into its third reading. On a more positive note, other draft laws have been introduced, such as the Petroleum Commission Law, when debate was led by the Chair of the Natural Resources Committee and the First Deputy Speaker, with proper parliamentary procedures being followed.

C. Summary of Previous NDI Activities with the PLC

Prior to the beginning of this grant, NDI conducted the following activities with the Palestinian Legislative Council:

1. PLC Assessment Mission

From March 4 to April 10, 1996, NDI organized an assessment mission to evaluate the obstacles and opportunities before the Council. The assessment included a report on the Council's needs for outside assistance and the plans of different donor organizations. In response to requests from individual Members, the assessment team also provided consultations and documentary support for the temporary Legal Committee, which was considering draft

- to encourage the PLC to adapt and implement the methodology (organization, rules and practice) of democratic legislatures to address its own needs; and thereby

- to enhance the legislative, representative and oversight capacity of the PLC.

Summary of Program Activities

Based on NDI's May 1996 assessments, observation of the PLC since its first legislative session in March 1996, meetings with PLC Members and the Institute's own legislative expertise, NDI conducted a range of activities based on the following four modules: **(1) the role of committees in a legislature; (2) organization of the plenary session; (3) legislative-executive relations; and (4) constituency relations.**

NDI conducted separate workshops involving international participants for each of these four topics and organized two study missions that provided PLC Members with first-hand information on a combination of topics. NDI further reinforced these topics through a series of mini-workshops on specific aspects of plenary procedure, in addition to a two-day retreat with the Council's Economics Committee. Finally, NDI provided Council Members with relevant materials on all topics in Arabic, conducted ongoing formal and informal consultations with PLC leadership and individual Members, and responded continuously to Members' requests for specific information on topics of concern to them.

The remainder of this report provides detailed information on all activities conducted under this grant, followed by an evaluation of the program as a whole based on the Framework for Evaluation of Program Results agreed upon by NDI and USAID (see appendix).

A. WORKSHOPS

At the heart of NDI's legislative programs -- and its unique contribution to the field of legislative strengthening -- lie workshops that rely on *pro bono*, expert practitioners who interact with the Members of new legislatures. The incorporation of current and former legislators and legislative staff from around the world in NDI programs allows newly emerging democrats to raise their concerns and inquiries with peers from a multitude of contexts who understand the privilege and burden of being an elected public official. The experienced legislators enjoy a bond of professional comraderie with the new legislators, who appreciate the expertise and interest of their counterparts from abroad.

NDI selects *pro bono* "trainers" with an eye to the relevant legislative model (as well as to regional relationships) and thus may, for example, bring legislators from Westminster parliaments to a program in South Asia, where that model predominates. In other new

Based on the findings of the Palestinian Legislative Council Assessment Mission and subsequent observation of the Council's operations, NDI proposed the 18-month program whose activities and accomplishments are detailed in the remainder of this report.

III. PROGRAM ACTIVITIES

Original Proposal

As stated in the original proposal and subsequent workplan submitted to USAID, NDI proposed to conduct an 18-month program to assist the Palestinian Legislative Council in developing an efficient and democratic law-making body that represents the Palestinian electorate and oversees the Palestinian Authority. NDI's program would utilize international experts and models of various legislatures to provide PLC Members with a comparative context from which to make decisions about the organization, rules and practices of their new legislature.

NDI proposed to divide its work into a series of modules, or units organized by topics. Each module would address a particular element of the legislative process for a three- to four-month period, although NDI would continue to provide information on these topics throughout the duration of its project, even after the completion of a given module. Over the 18-month term, NDI proposed four modules. Each module would include a workshop at which international experts (usually legislators from other countries) would participate in discussions with Council Members. These workshops would be complemented by ongoing staff consultations on these and other topics related to building the capacity of the Council throughout the grant term. NDI also proposed to locate, translate into Arabic and disseminate comparative materials on issues of interest to PLC Members. In addition, NDI proposed to organize two study missions to legislatures abroad to reinforce a combination of module topics.

As set forth in the proposal (and implemented in October-November 1996), NDI, before designing each module, would conduct consultations with Members of the PLC, including the PLC Liaison Committee. The selection and design of each module topic would also be based on NDI field staff's observations of PLC proceedings and thus would be based on both the articulated and the observed needs of the Council. In addition to these modules on specific topics, NDI would provide information and advice to PLC Members on a variety of topics on an as-needed basis.

Program Objectives

The objectives of this program, as stated in NDI's original proposal and subsequent workplan, were:

- to provide the PLC with comparative examples of democratic legislative organization, rules and practice;

While Council Members did not generally view the committee system as a problem, they had voiced an interest in learning about how committees function in other legislatures -- particularly in how they related to the executive, conducted executive oversight and participated in the law-making process. In assessing the performance of the PLC (following NDI's initial assessment report of May 1996), NDI concluded that a program to enhance the ability of the committees to function in the legislative and oversight arenas was urgently needed.

Program Objectives

Based on the foregoing considerations, the objectives of this workshop were:

- to provide the committees with comparative examples of committee structure and operations;
- to interest committee Chairs and others in adapting methods from other legislatures to enhance their legislative and oversight capacity and to utilize committees as a forum for public participation in the process;
- to persuade PLC Members that learning about the practices of other democratic legislatures and applying such information to the Council would advance their progress towards a more efficient and democratic legislature; and
- ultimately, to enhance the capacity of the committees to conduct executive oversight, review and recommend legislation, and enlist outside expertise and public participation in the legislative and oversight processes.

Program Activities and Evaluation

Approximately 25 Council Members, including committee chairs, *rapporteurs* and other interested PLC Members, attended this workshop. The cross-sectional representation of committee Members allowed for engaging discussions, and provided the opportunity for Members to see both similarities and differences in the work of the various PLC committees.

To facilitate discussion and present models from other legislatures, NDI invited three international participants from Canada, South Africa and the United States. They were: Ms. Myrna Phillips, a former member and speaker of the Manitoba Legislative Assembly and resident director of NDI's program with the PLC; Mr. Aubrey Dundeubela Mokoena, a member and chairman of the Committees of the South African Parliament; and Mr. James Shannon, a former member of the United States Congress. Ms. Susan Benda, NDI's Director of Governance Programs, served as chairperson of the workshop.

democracies, the inherited legislative structure or the newly designed legislature is best informed by a plurality of systems.

During NDI's 18-month program with the Palestinian Legislative Council -- a new institution that is a hybrid between parliamentary and presidential systems -- NDI held four workshops with legislators from a broad range of legislative models: Australia, Canada, France, Georgia, Hungary, Ireland, Nepal, South Africa, Sweden and the United States. These workshops afforded PLC Members the opportunity to meet and discuss a range of legislative issues with their peers in other legislatures, and provided them with a broad range of comparative examples from which to develop their nascent institution. A separate workshop was held to address each topic module of this program, namely: the role of committees; organization of the plenary session; legislative-executive relations; and constituency relations.

1. THE ROLE OF COMMITTEES IN THE LEGISLATURE

On December 14-15, 1996, NDI conducted a workshop at the Shawwa Center in Gaza City entitled "The Role of Committees in Drafting Legislation, Encouraging Public Participation and Overseeing the Executive." This workshop evolved out of an interest voiced by Council Members in learning about how committees function in other legislatures -- particularly in how they relate to the executive, conduct executive oversight and participate in the law-making process.

Background and Program Rationale

At the time this workshop was held, it was clear that Council committees were a significant institution within the PLC. Committees met regularly, committee chairs were serious about their work, and Council meetings spent considerable time addressing committee reports. However, in general, the committees did not conduct thorough reviews of draft bills and did not issue reports on legislation. Furthermore, the committees had not established relationships with relevant ministries, nor had they used outside experts or conducted hearings to augment either their legislative or their oversight functions. Instead, committees regularly issued reports that tended to catalogue problems with the Palestinian Authority (and the Israeli government) and included general policy advisories or pronouncements. Committees appeared to spend a significant amount of time reviewing citizen complaints, which were submitted to the Council as stipulated in the Standing Orders and subsequently referred to the relevant committee by the Speaker.

In the context of plenary sessions, committee Members were usually precluded from participating in plenary discussion on issues which they had reviewed in committee sessions, consistent with an emerging consensus that committee Members who had already debated a topic in committee should allow their colleagues to debate that topic in plenary.

2. ORGANIZATION OF THE PLENARY SESSION

On March 15-16, 1997, NDI conducted a workshop in Ramallah entitled "Organization of the Plenary Session: Balancing Democracy and Efficiency." The goal of this workshop was to bring PLC Members and a select group of legislators from other countries together to discuss how to increase the efficiency of plenary procedures through greater adherence to the Standing Orders, and how the plenary can be organized in the absence of a party mechanism with greater emphasis on developing strategies on issues of common interest.

Background and Program Rationale

While the Council had adopted its own Standing Orders in the early months of its existence, it was clear that there was a need for greater organization and efficiency in the plenary session, as well as greater adherence to the Standing Orders. By focusing on the role of process and precedent in a legislature, this workshop was designed to address simultaneously the importance -- both political and strategic -- of legislators knowing the rules, and the importance of a legislature in a new democracy making itself a model of the rule of law. Based on the PLC's lack of distinct party cleavages, the workshop was also designed to emphasize how the plenary could be organized in the absence of a party mechanism. Related to this point was the need for, and importance of, Members meeting and developing strategies on issues of common interest.

Program Objectives

The objectives of this workshop were:

- to provide Council Members with comparative examples of plenary procedures, including adherence to Standing Orders;
- to interest Members in adapting methodology from other legislatures to enhance the organization of plenary procedures;
- to enhance the capacity of PLC Members to understand their own Standing Orders and abide by them to increase the efficiency of the plenary; and
- ultimately, to increase the sense among Council Members that they can affect what occurs in the plenary session.

Program Activities and Evaluation

Twenty-two Members, representing a regional and committee mix, as well as the first Deputy Speaker, attended the workshop. The cross-sectional representation of Members

NDI held the workshop in Gaza City, one of the meeting places of the PLC, although the Council had convened most of its sessions in the West Bank (mainly Ramallah) since the summer of 1996. More than one-third of Council Members represent Gaza. Moreover, as the headquarters of the Palestinian Authority, Gaza is a central point of Palestinian political life.

The agenda for the workshop on committees was organized to cover the following questions:

* What is the role of committees in the legislative process?
* How do committees conduct oversight of the executive?
* How can committees encourage and benefit from public participation in the policy-making process?

During the workshop, international participants stressed the role of committees in several areas of the legislative process, including: how committees obtain information about and analyze draft legislation; how committees work with the executive to develop legislation; how outside expertise is utilized in the drafting of legislation; and the role of the committees in the plenary debate. With regard to the role of committees in executive oversight, discussions between the international participants and PLC Members focused on the importance of committees developing relationships with relevant executive ministries, the respective roles of the legislative and executive branches in developing and passing legislation, the rights of the legislature to inquire into the operations of government ministries, and ways in which committees can monitor and measure the impact of legislation. Finally, in regards to encouraging public participation in the policy-making process, the workshop stressed the purpose, scope and content of a public hearing; the organization of hearings; the role of the media; the role of legislators during a hearing; and the ways in which committees can work effectively with NGOs, experts and the media.

The comparative focus of the workshop was well received by participating Members. In terms of the relevance of other legislative systems, Members responded very positively to the sessions that discussed the role of committees in the legislative process and in oversight of the executive. Members also appreciated the discussion of the mechanisms of committee hearings and the investigative functions of committees.

In addition to what was covered in the workshop, Members expressed an interest in learning more about how committees can coordinate with each other and in acquiring more information as to how committees can conduct oversight of the executive, particularly with respect to the implementation of laws. Also expressed was an interest in better overall methods of communication between the legislature and the executive.

the weekly and annual agendas, as well as how to effectively manage and control time. Members had mixed reactions to the sessions that covered how to record the work of the parliament.

In addition to the topics covered in the workshop, Members expressed an interest in learning more about how the Speaker can most efficiently manage the plenary session, and how the PLC can increase its transparency.

3. LEGISLATIVE-EXECUTIVE RELATIONS

On May 17-18, NDI, in conjunction with Associates in Rural Development and the Center for Palestine Research and Studies, hosted a workshop in Nablus for Members of the PLC entitled "Legislative-Executive Relations: Governing in Partnership." The goal of this workshop was to bring PLC Members together with a select group of foreign legislators to discuss the various facets of legislative-executive relations, particularly in the areas of oversight and accountability, and to discuss the conflict and need for compromise which often characterize the relationship between the legislative and executive branches of government.

Background and Program Rationale

The Interim Agreement ("Oslo II," signed September 28, 1995) set forth an unusual model for legislative-executive relations. It called for a directly elected chief executive (*Ra'ees*), which is a feature of a presidential system. At the same time, the *Ra'ees* is a member of the Council (though he is a non-voting member, and cannot be speaker), which bears similarity to a parliamentary system in which Cabinet Members participate in the legislature. However, unlike most parliamentary systems, the *Ra'ees* is not required to form a cabinet exclusively composed of Council Members. While the Oslo II Agreement requires that not more than 20 percent of the Cabinet be appointed from persons who are not Council Members, 33 percent (7 out of 21) of the Cabinet positions were appointed by the executive. Thus, the Palestinian Interim Self-Governing Authority represents a hybrid of the presidential and parliamentary systems, with unique features resulting from the negotiated circumstances of its establishment prior to the development of a constitutional framework.

While the Interim Agreement does not provide for a clear division of power among the different branches of government, PLC Members see the Council as an independent legislature that is separate from, and has the authority to oversee, the executive branch. The Basic Law, which has yet to be passed, should clarify the establishment of distinct, separate branches of government and their relative powers.

At the time this workshop was designed, it was unclear whether the legislative-executive relationship -- as outlined in the Interim Agreement and the draft Basic Law -- was fully understood by Council Members and/or by the executive, or even how the two sides were working or might work to clarify the situation. In the absence of an adopted Basic Law, or

allowed for engaging discussions about plenary sessions, as well as how to better run committee meetings.

To facilitate discussion and present models from other legislatures, NDI invited three international participants from Canada, the Republic of Georgia and Sweden. They were: Peter Miliken, Deputy Speaker of the Canadian Parliament; Lana Gogoberidze, Majority House Leader of the Georgian Parliament; and Berndt Elkholm, Member of the Swedish Parliament and Chair of the Foreign Relations Committee. Myrna Phillips, Director of NDI's program with the PLC, served as chairperson of the workshop.

The agenda for the workshop on plenary procedures was organized to cover the following questions:

* How do rules establish and protect the legislature as an institution, and how is knowledge of the rules of political and strategic importance to legislators?
* How does a legislature plan ahead and set its agenda efficiently?
* What are the procedures for making decisions in a legislature?
* How are the proceedings of a legislature recorded?

The first day of the workshop served primarily as an introduction to and general discussion of the issues, while the second day focused on more specific areas of plenary organization.

International participants focused on the following areas: the role of process and precedent in a legislature; the importance, both political and strategic, of legislators knowing the rules; and the importance of a legislature in a new democracy being a model for the rule of law. They stressed that knowledge of the rules establishes and protects the legislature as an institution, and that this is particularly important during the development of a new legislature. More specific issues were also addressed, such as: planning ahead; setting and amending agendas; making decisions, particularly in terms of how bills are introduced and passed through the legislature; the importance of bill summaries; and voting procedures. Finally, the international participants emphasized the importance of recording history. Up to the time this workshop was held, the PLC did not record or publish their proceedings. There were debate summaries only, which were solely for internal Council use. International participants imparted to Council Members the importance of recording proceedings, both from a historical standpoint, as well as with respect to transparency and the accountability of elected officials.

As with the previous workshop on the role of committees, Members who participated in the plenary procedures workshop reacted favorably to its comparative focus. The Georgian model was especially noted for its relevance to the Palestinian situation, while the Swedish example proved particularly relevant for discussions on the organization of the parliament's work. The process for questioning Members of the executive was explained by the Canadian Deputy Speaker. Members responded positively to the sessions that covered the planning of

* What strategies can the Council use to overcome an impasse with the executive, as well as to cooperate effectively with the executive?
* What are examples of structural mechanisms the legislature can employ to encourage greater government accountability and information-sharing with the executive?

Workshop participants discussed the questions listed above with the international experts. The first day of the workshop served primarily as an introduction and general discussion of the issues, while the second day focused on specific structural mechanisms the legislature can utilize to enhance relations with the executive.

International participants focused on the nature of the power-sharing relationship between the two branches of government, characterized by both conflict and cooperation, as well as structural mechanisms used in legislatures to manage this relationship. In particular, the internationals focused on the interaction between the legislature and executive in terms of law-making and the kind of information sharing necessary to this process, as well as what resources required by Members to draft laws. Participants also discussed question period -- which was nonexistent in practice, though stipulated in the Standing Orders -- as an important element that exists in many parliamentary systems. The institutionalization of a question period would not only allow Council Members to ask questions of the executive (a form of oversight), but could also foster stronger relations between the two branches of government, particularly in terms of information sharing. Finally, the workshop concentrated on the budget and oversight process, namely, how a budget is developed and government expenditures are monitored, and the respective requirements of and resources needed from the executive in this process to assure that oversight is meaningful.

As was the case with previous workshops, Council Members greatly appreciated the comparative perspective provided by the international participants, specifically with regard to the methods of legislative-executive interaction in both the presidential and Westminster systems. The discussions regarding the budget and law-making processes were also highlights for many of the Members. Most Members reported that they found all topics of the discussions useful.

In addition to the topics covered in the workshop, Members expressed an interest in learning more about how Members of other parliaments develop legislation, how an independent judiciary develops, how the judiciary relates to the legislature, and how committee hearings are conducted.

4. CONSTITUENCY RELATIONS

On October 25-26, 1997, NDI conducted a workshop in Bethlehem for PLC Members entitled "Constituency Relations: A Two-Way Street." The purpose of this workshop was to bring Council Members together with international experts to discuss the nature of legislators'

constitution, the topic of legislative-executive relations is extremely difficult to address, as the players on both sides can always say simply that there are no rules.

NDI believes the creation of precedent between the PLC and the Palestinian executive to be very important, perhaps particularly so in the absence of, and during the development of, a Basic Law. For this reason, NDI convened a workshop with international participants to discuss the structural and informal relationships between the legislature and the executive in their respective governments and the methods used to manage and facilitate this relationship. In particular, international participants were asked to share any examples of tensions and struggles between these two branches of their government and to discuss how such tensions are resolved in their countries.

Program Objectives

The objectives of this program were:

- to provide Council Members with comparative examples of legislative-executive relations;
- to interest Members in adapting methodology from other legislatures to enhance legislative-executive relations;
- to develop practices in the PLC aimed at forging positive and constructive links between the legislature and the executive; and
- to help Members understand the monitoring and oversight responsibilities of other legislatures.

Program Activities and Evaluation

A total of 27 Members, from a cross-section of committees and from throughout the West Bank and Gaza Strip, attended this workshop.

To facilitate discussion and present models from other legislatures, NDI invited international participants from Australia, Nepal and the United States. These participants were: Christopher Pyne, Member of the Australian Parliament; Damar Nath Dhungana, former Speaker of the Nepali Parliament; and Louis Fortis, former state representative of the Wisconsin State Legislature. Myrna Phillips, Director of NDI's Program with the PLC, served as chairperson of the workshop.

The agenda for the workshop on legislative-executive relations was organized to address the following questions:

- to interest Members in adapting methodology from other legislatures to enhance their relations with constituents;

- to introduce practices in the PLC that would forge positive and constructive links between Members and the public; and

- to encourage, in conjunction with the staff of district offices and fellow Members, methods of organization and coordination that would best address constituents' needs.

Program Activities and Evaluation

A total of fifteen PLC Members, from a cross-section of committees and from throughout the West Bank, Gaza Strip and East Jerusalem attended this workshop. For the first time, PLC Members took an active role as presenters in the workshops, allowing fellow Members to benefit not only from the comparative examples afforded by the international trainers but also from the different strategies and techniques already employed by their peers. Several Members who could not attend the workshop but who had heard good reviews from their colleagues requested and received kits with the workshop materials. NDI also printed two organizational handbooks in Arabic, that were distributed to the 16 PLC constituency offices for use by Members and staff.

To facilitate discussion and to present models from other legislatures, NDI invited international participants from Canada, Ireland and South Africa to the workshop. The international participants were: Steve Ashton, Member of the Manitoba Legislative Assembly (Canada); Michael Creed, Member of the Irish Parliament; and Mohammed Enver Surty, Member of the South African Parliament. Myrna Phillips, Director of NDI's program with the Council, served as chairperson of the workshop.

The workshop also featured presentations by PLC Members Salah Ta'mari and Marwan Barghouti, both of whom had developed effective constituent relations as recognized by their colleagues. They shared with the group some of the components of their work, including the organization of regular town hall meetings, computer tracking of constituent complaints, conducting demographic surveys of their constituencies, as well as working with the executive on policy issues arising from constituent complaints.

The agenda for the workshop on constituent relations was organized to cover the following questions:

* What practices can be introduced to PLC Members to forge more positive and constructive links between those Members and the public?
* How can the constituents best be served by their elected representatives, who have significant resource (money, time, political) constraints?

relations with their constituents in other democracies and to suggest ways for Council Members to improve relations with their own constituents.

Background and Program Rationale

The West Bank, Gaza Strip and East Jerusalem are divided into sixteen electoral districts, and Council seats are allocated based on 1995 population figures. While some districts have only one member, Gaza City has twelve. Within these larger districts, there are no divisions of area, so that every member is elected by and technically responsible to the entire district. This poses a significant challenge for effective communication between legislators and the electorate for insuring that all constituents' complaints are answered in an organized and coordinated fashion.

In addition, there are stark differences between the districts in terms of the development of offices, resources and staff capacity. To date, not all of the districts have opened official PLC constituency offices, and even where these do exist, they are often not used by all of the Members due to political and personal differences among them. In most districts, there are Members from varied political affiliations, making the feasibility of a shared office virtually impossible. In some cases, Members have opened offices with their own resources, but not every Member can afford to do this. In one constituency, there are two PLC-funded offices.

In addition to staff and resource constraints, the overall political situation also poses a significant challenge for constituent relations. Arbitrary closures imposed by the Israeli government on Palestinian territories often make travel between these areas impossible. At times, Members are unable even to attend Council sessions, let alone work with their constituents.

Nevertheless, Members have employed different strategies to interact successfully with constituents. These range from open office hours and participation in town hall meetings to attending community events. However, a June 1997 Center for Palestine Research and Studies poll revealed that only ten percent of constituents polled had made any contact, other than social, with their elected Member. This "contact" included personal meetings, public meetings, phone calls and mail. This low percentage of contact most likely reflects a combination of public frustration and lack of knowledge, logistical constraints and insufficient facilities (e.g., inadequate office space).

Program Objectives

The objectives of this workshop were:

- to provide Council Members with comparative models (both international and local) of constituency relations;

With regard to multi-member constituencies in which Members of different political stripes must share a general district office, PLC Members discussed with the international participants the idea of each Member receiving an individual allowance from the Council for constituent relations. This would allow Members to establish individual constituent offices or to pool resources with other Members of the same political affiliation. The foreign MPs supported this suggestion, noting that in their own experiences, sharing offices with people of different political affiliations would never be considered.

At the end of the workshop, PLC Members noted that it represented an important and useful opportunity to exchange information and experiences with other parliamentarians who faced many of the same challenges as the PLC (e.g., scarce resources, lack of time, conflicts with the executive over policy issues, and political differences).

One theme throughout the discussions was that while every elected official has certain responsibilities in terms of representing their constituents, there are a variety of strategies that can be employed to strengthen these relations, many of which can be employed with few resources. In any case, however, it is important for Members to have well-trained staff who can assist and support them in responding to constituents.

One of the suggestions raised by several PLC Members was to allocate to each member a constituency allowance, with which they could either open an individual office or pool resources with other Members from the same political party. Given the apparent difficulties inherent in having Members from different political parties share an office, this is an idea that the international participants and PLC Members alike agreed should be considered for the future.

B. STUDY MISSIONS

To complement its work with legislatures around the world, NDI often organizes "study missions" in which legislators from newly developing democracies are taken to view the proceedings of other, more established legislatures first-hand. NDI has found that, in addition to bringing foreign experts to a new legislature, taking new and aspiring democrats abroad on study missions adds measurably to their understanding of certain issues and practices. Study missions provide Members of newly developing parliaments the opportunity to observe the formality of plenary and committee proceedings with all the professional administrative machinery already in place. Members often find that many of their questions are answered during formal and informal meetings with their parliamentary peers and tend to absorb much from the atmosphere of a "real" parliament. Furthermore, when Members of a new or newly democratic legislature have the opportunity to see first-hand that other parliamentarians have grappled with problems similar to theirs and have developed procedures to overcome these dilemmas, they return with a broader perspective of -- and a renewed commitment to -- the work at hand.

NDI's multinational approach -- and worldwide network of offices and contacts -- profoundly shapes the design and implementation of its parliamentary study missions. During the 18-month program supported by this grant, NDI organized two study missions for a select group of PLC Members -- one to the Hungarian National Assembly and one to the Parliament of the Republic of Georgia. Both models were chosen for their relevance to the PLC as legislatures in systems which had recently undergone democratic transitions. The purpose of both study missions was to expose PLC Members to the proceedings of another newly-democratic legislature; to meet with Members of parliament, their leadership and committee chairs; and to meet external actors in the legislative process to discuss the challenges of making the transition to democracy, as well as strategies that can be employed to develop a strong legislature. In both cases, special emphasis was placed on reinforcing topic modules previously introduced in NDI workshops with the PLC. In addition, PLC Members observed committee and party caucus meetings, as well as plenary sessions, including question period.

1. STUDY MISSION TO THE HUNGARIAN NATIONAL ASSEMBLY

From June 14 to 21, 1997, NDI organized a study mission to the Hungarian National Assembly for six active Members of the PLC. PLC participants in this program represented all regions of the West Bank and Gaza Strip and a variety of Council committees. The purpose of this study mission was to reinforce and enhance topics of central importance to the PLC previously covered in NDI workshops, namely, the role and functioning of committees, plenary proceedings and legislative-executive relations. The program included various meetings and consultations between PLC Members and Members of the Hungarian National Assembly and their staff, as well as Hungarian journalists and NGO leaders. These meetings and consultations were intended to encourage a constructive dialogue on the relevance of the Hungarian democratic transition to developments in the Palestinian Legislative Council.

Background and Program Rationale

NDI's Jerusalem-based staff selected the Hungarian National Assembly because it provides an example of a recent and successful transition from one-party rule to a multiparty democracy. Known throughout the Central and Eastern European region as a leading model of democratic transition, Hungary provides an insightful example of lessons learned in effective political reform.

After 40 years as a "rubber stamp" legislature, the Hungarian National Assembly has become a vital institution in Hungary's governance. In the past seven to eight years, the Hungarian parliament has evolved from an institution with Members who lacked political experience and democratic role models into an institution with highly educated and practiced professional politicians. Originally lacking staff, equipment and resources, the current parliament functions with ample human and material resources to enable Members to successfully fulfill their roles as legislators and representatives.

As a unicameral parliament, the Hungarian National Assembly offers many comparative models for the PLC as it develops its own structure. The Assembly plays a critical role in law-making, has developed an effective committee system and actively conducts oversight of the executive. This study mission aimed to provide PLC Members with the opportunity to share experiences and gain insight from the evolution taking place in such areas as Hungary's organization of plenary sessions, the role of committees, legislative-executive relations, and constituency relations.

Not unlike any policy-making institution, the Hungarian National Assembly also faces public criticism and attack. Learning where its deficiencies lie and how public servants and elected officials try to repair these flawed characteristics was deemed especially relevant to Members of the PLC. Some political scientists have also noted the strong influence of political parties on the electoral and governance systems in Hungary. Competition among parties in the National Assembly, especially during the first parliament, has resulted in polarization on many issues and fierce ideological debates. In short, the Hungarian National Assembly was considered a relevant model for PLC Members based both on the problems the Assembly faces, as well as potential solutions to these problems that the PLC could consider and/or incorporate as it continues to evolve as a democratic legislative body.

Program Objectives

The objectives of this program were:

- to enable Members of the Palestinian Legislative Council to observe the proceedings and deliberations of the Hungarian National Assembly;
- to reinforce concepts raised in previous NDI workshops relating to the role of committees, plenary proceedings and legislative-executive relations; and
- to enable PLC Members to gain insight and receive advice on the process of democratic transition from fellow parliamentarians who have successfully made this transition.

Program Activities and Evaluation

Six Members of the Palestinian Legislative Council participated in the study mission to Hungary from June 14 to 21, 1997. Dr. Azmi Shu'aiby, Dr. Kamal Sharafi, Mrs. Jamileh Saydum, Mr. Husam Khader, Mr. Jamal Hindi and Mr. Jamal Shobaki were accompanied to Hungary by NDI staff Members Myrna Phillips, Bassam Nasser and Chrissy Mataya. Over the course of the six-day program, the group had 22 meetings to discuss plenary procedures, the role and organization of committees, constituency relations (including communications between Members and NGOs), and the relationship between the executive and legislative branches of government.

The six Members who participated in this program observed first-hand the plenary sessions of the Hungarian National Assembly, the voting procedure, budget committee caucus meetings and a constituency office. Participants also had in-depth discussions with individual Assembly Members, faction leaders, committee chairs, journalists and the Secretary General (Chief of Staff). This experience provided PLC Members with much practical information to consider as they endeavor to influence improvements in their plenary and committee procedures and in their relations with the executive and their constituents.

Based on Members' evaluation of the mission, the example of the Hungarian parliament was seen as highly useful and relevant to the PLC. In particular, Members found visits to committee meetings and constituent offices very beneficial, and expressed that their knowledge about plenary procedures and legislative-executive relations had increased significantly through having the opportunity to observe another transitional legislature first-hand.

2. Study Mission to the Parliament of the Republic of Georgia

From November 24 to 30, 1997, NDI conducted a study mission to the parliament of the Republic of Georgia for six active Members of the PLC. Participant Council Members represented a geographical, political and committee cross-section of the PLC. Similar to the Hungary study mission, the purpose of this visit to Georgia was to reinforce and enhance topics relevant to the PLC which were covered previously in NDI workshops. These topics spanned all four modules slated for this program, namely, the role of committees, plenary proceedings, legislative-executive relations and constituency relations. The program included various meetings and consultations between PLC Members and Members of the Georgian Parliament, as well as actors external to the legislative process, such as journalists and NGO representatives. These meetings and consultations were intended to encourage a constructive dialogue on the relevance of the Georgian democratic transition to developments in the Palestinian Legislative Council.

Background and Program Rationale

In March 1997, Lana Gogoberidze, Majority House Leader of the Georgian Parliament, participated in an NDI workshop for Members of the PLC in Ramallah. As Ms. Gogoberidze explained the difficulties faced by the Georgian parliament during its early years of existence, PLC Members noted a number of similarities between the Georgian and Palestinian cases. Given the high degree of Palestinian interest in the Georgian experience, NDI selected Georgia as an appropriate site for a study mission.

The Georgian case provides an example of a recent and successful transition from the Soviet style of governance to multiparty democracy. Despite the political instability and economic hardship that Georgia has suffered since the collapse of the Soviet Union, its leaders have remained committed to political liberalization and reform.

After 70 years as an autonomous Soviet Republic, Georgia declared its independence from the USSR in 1991. In the past six and a half years, Georgia has held several multiparty elections, drafted a new democratic constitution and worked hard to develop effective and accountable political institutions. The Georgian Parliament has evolved from an inefficient body of over 30 competing parties and groups to a more disciplined institution in which a smaller number of parties have learned to work together to advance their common legislative interests. Since its election in 1995, the Parliament has functioned cohesively and productively to enact key legislation underpinning the foundations of civil society and economic reform.

As a unicameral legislature, the Georgian Parliament offers a comparative model to the PLC as it develops its own structure. The Parliament plays a critical role in law-making, has developed an effective committee system and actively conducts oversight of the executive. This study mission aimed to provide PLC Members with the opportunity to gain insight from the Georgian legislature's efforts to improve the organization of plenary sessions, define the role of committees and enhance legislative-executive relations.

Members of the Georgian Parliament have also come to understand the importance of public outreach activities. In a country where harsh economic conditions and civil strife have produced tremendous political apathy, the Parliament has sought to make itself visible and accessible to the public. The Parliament has created its own Press Office, which publishes the parliamentary record and also maintains an archive of earlier proceedings. In addition, a new Office of Public Relations has sought to increase public awareness of the Parliament through tours and other activities.

As with the Hungarian National Assembly, the Georgian Parliament was considered a relevant model for PLC Members based both on the problems the Parliament has faced as well as the potential solutions to these problems that the PLC could consider and/or incorporate as it continues to evolve as a democratic legislative body.

Program Objectives

The objectives of this program were:

- to enable Members of the Palestinian Legislative Council to observe the proceedings and deliberations of the Georgian Parliament;
- to reinforce concepts raised in previous NDI workshops relating to the role of committees, plenary proceedings, legislative-executive relations and constituent relations; and
- to enable PLC Members to gain insight and receive advice on the process of democratic transition from fellow parliamentarians who have successfully made this transition.

Program Activities and Evaluation

Six Members of the Palestinian Legislative Council -- Marwan Barghouti, Yousef Abu Safiyeh, Abdel Karim Abu Salah, Abdel Fatah Hemayel, Muhammad Hourani and Hassan Khreisheh - spent the week of November 23 to 30, 1997, in the Republic of Georgia. The delegation was accompanied by Myrna Phillips, Director of NDI's Program with the PLC, Laura Abrahams, PLC Program Assistant, and Reema Abu Hamdieh, PLC Project Assistant. Over the course of the week, the delegation had nineteen meetings in which they met with Members of the Georgian Parliament, including the Speaker and committee chairs, Members of the executive, NGO representatives and journalists. The delegation also observed several plenary sessions.

PLC Members who participated in this study mission had the opportunity to observe plenary proceedings of the Georgian Parliament and to meet with Georgian MPs, committee chairs, the Speaker, parliamentary staff, the President's Representative to Parliament, individual caucus Members, journalists and NGO representatives. Through these meetings and consultations, PLC Members learned about Georgia's recent transition to democracy and the strong role the Parliament played in that process. Members were particularly interested in the role of the committee chairmen, how public hearings are conducted, and ways of enhancing relations between the legislature and the executive. Through their interaction with Georgian MPs, PLC Members observed first-hand the difficult issues other parliamentarians face and were very inspired by seeing and hearing the determination expressed by their counterparts in Georgia.

PLC Members returned with many ideas and recommendations on how to improve the work of the PLC, having gained an appreciation of the crucial role played by the parliament in Georgia's recent transition to democracy. For example, Members returned with specific ideas on how to better organize the legislative process, how to coordinate more effectively with their staff and how to enhance relations with the executive. The study mission was highly praised by participating Members, who have since made a number of recommendations to the Council based on structures and practices they observed in Georgia.

3. Overall Impact of Hungary and Georgia Study Missions

PLC Members who participated in NDI's study missions to Hungary and the Republic of Georgia expressed to NDI staff that the chance to share experiences and information with fellow parliamentarians and to examine the operations of another transitional legislature was an unprecedented opportunity that will assist them in their work to build the PLC. By focusing on four key components of legislative development -- plenary procedures, committees, legislative-executive relations and constituency relations -- the agenda for the study missions allowed for specific, detailed discussions that often yielded suggestions that PLC Members could apply in their own legislature. Moreover, as the Georgian and Hungarian

parliamentarians were well-briefed on the context in which the PLC operates, they were able to offer realistic advice on strengthening the Council's role in the difficult socio-political environment in which it operates.

Indeed, there is not one "correct" model for a legislature; yet, universal principles exist that guide all democratic legislatures, including the ability of Members to participate in the legislative process, conduct meaningful oversight of the executive, and develop effective, strong relations with their constituents. The visits to Hungary and Georgia illustrated how the creation of a democratic government and fulfillment of these principles can often be a long, arduous, and often contentious, process. Moreover, in the words of many of the parliamentarians with whom the PLC delegation met, building a legislature is a continual process that takes time and patience. As PLC Members often express frustration at the pace of their development, it was important for their own confidence and morale to meet with other parliamentarians who expressed similar sentiments about their own legislatures.

C. ECONOMICS COMMITTEE RETREAT

On November 8-9, 1997, NDI conducted a two-day retreat in Jericho with Members of the PLC's Economics Committee. The purpose of the retreat was to address issues related to the committee's internal functioning, as well as ways to coordinate with the executive on legislative and policy issues. The workshop, designed and implemented by NDI Program Director Myrna Phillips, was attended by seven of the nine Members of the Economics Committee, as well as one of the committee clerks.

Background and Program Rationale

NDI's attention to the importance of effective committees within the PLC dates back to December 1996, when NDI held a workshop entitled "The Role of Committees" with PLC committee chairmen and *rapporteurs*. As committees play a pivotal role in the functioning of any democratic legislature, the international panelists participating in this workshop encouraged PLC Members to make their committee meetings transparent and open to the public. According to the Standing Orders of the Council, PLC committees meet *in camera* unless the committee votes to open its meetings to the public. At the first meeting of the Economics Committee following the December workshop, the Economics Committee voted to hold open meetings.

NDI staff approached the then chair of the Economics Committee, Mr. Hikmat Zaid, with a proposal that NDI attend committee meetings and offer advice and guidance on procedural matters where appropriate. Specifically, NDI proposed to work with the Committee as a pilot project with the goal of reinforcing ideas raised in the December 1996 workshop, namely, the role of a committee in law-making, executive oversight and encouraging public participation in the policy-making process. Mr. Zaid welcomed the proposal and brought it to the next committee meeting, where committee Members concurred

with the suggestion. (This offer was made to the Economics Committee in accordance with a policy decision by NDI field staff that, unless a committee was open to Palestinian citizens, NDI would not attend while the average citizen was excluded).

From that time on, NDI staff attended most of the committee meetings as well as a hearing the Committee held with businessmen. NDI also held ongoing informal consultations with the committee chair, other committee Members and committee clerks. In the interim, a new chair and *rapporteur* were elected at the beginning of the second period of the Council. NDI continued consultations with the second chairman, Mr. Fakri Turkhman.

NDI's early observations of committee proceedings indicated that there were many organizational issues to be addressed regarding the Committee's work. For example, committee meetings were held on a haphazard basis, sometimes due to the Council schedule itself fluctuating from week to week and sometimes due to matters beyond the Council's control, such as border closures which prevented Members from traveling between the West Bank and Gaza Strip to attend meetings. Furthermore, significant time during meetings was wasted in discussing and adopting the meeting's agenda. Time was also wasted in dealing with individual complaints from constituents. Most such complaints had no overriding policy implications that concerned the Committee as a whole and should therefore have been dealt with at the constituency level. It was also apparent that committee Members felt it was their responsibility to research issues and then organize and write reports, a function usually delegated to committee staff in other legislatures. In addition, Members had no experience in making decisions according to standard parliamentary procedures, (i.e., through the use of motions and amendments to motions). Consequently, issues would be discussed and a variety of suggestions made, but no decisions were taken and recorded. Finally, committee Members were unaware of which legislation would be referred to them in the coming plenary session. This not only prevented them from allocating committee time efficiently, but also completely hindered their capacity to develop short- and long-term workplans.

Committee Members did endeavor to encourage participation from the business community in the Ramallah area by inviting representatives to comment on a list of issues related to trade and investment policy. However, it was apparent that neither the committee Members, committee staff, the business people themselves nor the staff of the ministries present had experience which would enable them to make the most effective use of this forum. NDI staff subsequently met with the committee chair and committee clerk to review NDI's extensive notes on the meeting. Both welcomed the advice given and acknowledged that more expertise was required to make such hearings more fruitful in the future.

NDI resident staff presented to Mr. Turkhman the idea of organizing a retreat with committee Members in an informal, focused setting to discuss methods to improve the efficiency of committee meetings. The agenda of the two-day overnight session included: parliamentary procedures for committee meetings; methods of interacting with the executive; organization of public hearings; and development of short- and long-term workplans for the

Committee's legislative and oversight responsibilities. The Committee adopted this suggestion and NDI conducted the retreat as proposed.

Program Objectives

Based on the issues outlined above, the objectives of this program were:

- to work with Members of the Economics Committee toward a more efficient running of committee meetings;
- to establish a clear mandate for the Committee; and
- to help committee Members set both short- and long-term workplans for the Committee.

Program Activities and Evaluation

The agenda for this retreat was organized to address the following questions:

* What is the role and function of legislative committees in parliaments?
* What are proper parliamentary procedures for committee meetings?
* What are the primary functions of a parliamentary standing committee?
* How are short- and long-term committee workplans developed?
* How are public hearings organized?

Members of the Economics Committee discussed the questions listed above as a group with Myrna Phillips, director of NDI's assistance program to the PLC and former member and speaker of the Manitoba Legislative Assembly. Other NDI staff who attended the retreat were: West Bank/Gaza Chief of Mission Sean Carroll; Resident Program Assistant Laura Abrahams; NDI-Washington Program Assistant Sarah Copley; and PLC Project Assistants Reema Abu Hamdieh and Bassam Nasser.

Much of the discussion focused on the role of a committee in the legislative process, including the review of draft legislation, encouraging public input and the role of the staff and outside experts in this process. The group spent significant time clarifying the process of draft legislation -- one that is not entirely clear in the Standing Orders, nor followed systematically in practice. This proved to be a useful exercise in determining at which points in the legislative process (both in drafting and amending legislation) the Committee can play the most effective role. In addition, this discussion helped committee Members develop a realistic short-term workplan, which occurred on the second day of the retreat. The workplan enumerated the specific legislation pending committee review, and the estimated time entailed for each step of the review process.

The retreat also covered more specific topics, such as the steps needed to organize a public hearing as well as how to set a committee agenda. Other issues discussed included how to maintain parliamentary procedure in committee meetings and how to address attendance issues.

Members responded very positively to the retreat, as indicated on the written evaluation forms completed by participants. In particular, Committee Members appreciated the specific focus on their committee's work, as well as the detailed planning session and calendar that were developed on the second day of the retreat. Members also found useful the written materials on committee procedures, sample agendas and information on the role of a committee chairman. Many of the participating committee Members recommended that similar work be undertaken with other committees of the PLC.

D. MINI-WORKSHOPS

After the March 1997 workshop on plenary procedures, the Deputy Speaker of the PLC requested that NDI conduct smaller workshops on additional issues related to plenary organization. In response, NDI resident staff designed and conducted a number of half-day mini-workshops on two specific aspects of parliamentary procedure, namely (1) setting and amending agendas, and (2) urgency procedures. Each workshop was held first in the West Bank and then repeated in the Gaza Strip to enable equal access to all PLC Members. For both topics, comparative materials from other legislatures were translated into Arabic and distributed to workshop participants to supplement the discussions. Workshops on a third topic -- motions -- were scheduled numerous times in both the West Bank and Gaza, but were canceled at the last minute due to unforeseeable, last-minute changes in the Council agenda or in the schedules of individual Members.

The mini-workshop on setting and amending agendas addressed the development of legislative agendas, including the process by which a Member can include an item on the agenda, the distribution of the agenda to Members (e.g., at least two days before a meeting), and the role of a chairman in ensuring that the agenda is followed. The discussion focused on this process both in the plenary as well as in committee meetings. In the two months following these workshops, NDI staff noted a significant decrease in the amount of time spent negotiating the agenda at the beginning of each Council session.

The mini-workshop on urgency procedures outlined the process for raising emergency issues during a session and their precedence over other agenda items. The discussion also outlined items that should appear on any agenda, such as taking attendance and verification of a quorum. Again, the process was discussed in the context of both the plenary and committee meetings.

E. OTHER ACTIVITIES

1. Provision of Relevant Materials in Arabic

An essential component of NDI's program with the PLC consisted of locating, translating into Arabic and distributing to PLC Members written materials on topics relevant to the Council. At each workshop, NDI distributed packets of Arabic materials that provided Members with a wealth of expert, comparative information on the topic. Arabic information packets were also distributed during the two study missions, the four mini-workshops and the two-day Economics Committee retreat.

In addition to topic-specific materials, NDI produced and distributed two especially unique tools in Arabic designed to aid Council Members in accomplishing their work more professionally and efficiently. These were: (1) a pocket-sized binder containing the PLC's current Standing Orders; and (2) a hand-held rotating "wheel" designed to serve as a quick reference to specific points of standard parliamentary procedure.

Booklet of Standing Orders

During NDI's first two months of working with the Council, NDI staff noted that PLC sessions were highly inefficient due to Members' apparent lack of familiarity with their own rules of procedure. The Speaker did not effectively set time limits on Members' time to speak as prescribed in the Standing Orders, and setting the agenda often entailed two hours of debate at the beginning of the plenary. In addition, frustration over setbacks in the peace process sometimes led to walkouts and shouting matches between Members; these were generally disruptive to the Council's ability to complete its work.

NDI's PLC Program Director, Myrna Phillips, observed that the legislators' unfamiliarity with the PLC's existing rules of procedure contributed significantly to these disorganized and acrimonious Council sessions. To help remedy this situation, Phillips devised a simple but effective way of getting Members to adhere to the Standing Orders. She designed a pocket-sized binder and had the PLC's current Standing Orders printed in Arabic on small sheets that could be added or removed as the rules changed. The binder was designed to be carried by Members at all times.

The binder had an immediate impact on the plenary sessions following its distribution. On the first day, Council Members referred to the rules seven times on three different topics, ranging from the rules surrounding debate on the budget to procedures for Council Members to travel on official trips, to the process of submitting draft laws. Not only did Members refer to the rules on the day they were distributed, but they continued to bring their binders to sessions and refer to them consistently thereafter.

This simple idea of producing the PLC's Standing Orders in a convenient, hand-sized binder had an immediate, positive impact on Council proceedings. As a result of Members' ability to refer to their rules of procedure at a glance, Council sessions became calmer, rules were enforced more frequently and consistently, and the agenda and amendments to legislation were adopted more expeditiously.

Arabic Wheel of Parliamentary Procedure

In addition to the booklet of Standing Orders described above, NDI produced a second tool designed to help Council Members become more familiar with, and be able to refer more conveniently to, standard rules of parliamentary procedure during plenary sessions. This innovative tool, inspired by a similar creation of the Manitoba Labor Federation, consists of a hand-held "wheel" containing rules of procedure based on Robert's Rules of Order, used as a secondary authority to the standing orders in most legislatures.

A half-inch thick strip around the outer circumference of the wheel is divided into fourteen sections, each denoting a basic category of parliamentary procedure, such as "points of order," "repeal or rescind," "question of privilege," "amend," "refer," and "main motion." A smaller inner wheel, which fits just inside this category strip along the outer wheel, contains a list of questions parliamentarians might ask with regard to any procedural category. The inner wheel has a wedge cut out of it right along the list of questions so that as parliamentarians turn the inner wheel, lining the wedge up with a given category on the outer wheel, a list of appropriate answers for that category appears through the cut-out next to the questions. Some answers contain references to explanatory notes, which appear on the backside of the wheel.

With permission from the Manitoba Labor Federation, NDI translated the wheel into Arabic based on the Federation's English version and distributed one wheel to each member of the PLC to enhance further the organization and efficiency of the Council's plenary sessions.

2. Ongoing Consultations with PLC Members

The presence of Myrna Phillips as an "in-house" legislative expert afforded the opportunity for ongoing consultations with and requests for advice from PLC Members. These consultations, in general, focused on the Council's procedures.

One of the primary areas in which these consultations occurred was regarding specific questions about amendments to the Council's standing orders from the Speaker and the chairman of the Legal Committee, as well as from individual Members. Phillips provided specific advice and commentary on articles in question, which became part of the Council's overall review of the Standing Orders.

In addition, Members regularly consulted with Phillips regarding specific questions that arose *during* plenary sessions, including how amendments were considered, the voting process and the process for reviewing draft laws. In addition, many questions were asked regarding the appropriate role of a speaker in the plenary. The presence of NDI representatives at a majority of the Council sessions enabled Phillips to give timely advice to Members as issues arose.

NDI was also approached by a small group of PLC Members who were interested in becoming "in-house" parliamentarians for the Council. Phillips worked with these Members on developing this role by learning the rules and strategies they can employ to encourage greater overall adherence to the Council's standing orders.

In addition, when the Council instituted a question period, several Members requested information from Phillips on how question period is organized and conducted in other legislatures.

IV. EVALUATION OF PROGRAM RESULTS

The following section consists of a detailed discussion of the progress made by the PLC during the course of this grant. Each sub-section below addresses one of the major topic areas, or modules, around which NDI structured its assistance program to the Council. With regard to each module discussed, an overview of PLC practices at the beginning of NDI's grant is followed by anecdotal evidence illustrating the impact of NDI's activities on the functioning of the Council. Throughout this section, specific reference is made to relevant evaluation factors stipulated in the Evaluation of Program Results agreed upon by NDI and USAID at the start of this grant.

A. COMMITTEES

When NDI began its program with the PLC, Council sessions were held two days a week and committee meetings were scheduled on other days, usually Saturdays, Sundays or Mondays. This resulted in committee meetings being held on a very haphazard basis. None of the committees met on a regular basis or in a regular location. Members and staff could never know in advance or organize their schedules around committee meetings, nor did they know whether the meetings would take place in Ramallah or Gaza. Although the Standing Orders allowed committee meetings to be closed to the public unless committee Members voted to hold open meetings, none of the committees chose the latter option. NDI's work with the Economics Committee provides an illustrative example of the progress that was made.

NDI held its first workshop, entitled "The Role of Committees," in December 1996. The importance of transparency in committee work was discussed at length, as was the committees' primary responsibility for legislation and oversight of the executive.

NDI began its work with the Economics Committee at the end of December 1996, shortly after NDI's workshop on the role of committees in the legislature, held in mid-December. At that time, the committee meeting agenda was vague and most of the meeting time was spent discussing complaints and letters from constituents. Meetings often ended without decisions having been made and usually without a time and date having been set for the following meeting. At the beginning of NDI's program, legislation was not a focal point of committee meetings. Furthermore, Council committees had conducted no committee hearings on either policy or legislation.

At the first meeting of the Economics Committee following the workshop (which had been attended by the Committee's chairperson and *rapporteur*), the Committee voted to hold open meetings. Because of this commitment to transparency, NDI staff approached the committee Chair with a proposal for NDI to observe Committee proceedings and offer assistance on procedural matters where applicable. The Chair and the Committee Members welcomed this suggestion, and NDI worked with the Economics Committee for the duration of its program with the PLC. The decision to hold open meetings, which encourages public participation in the policy making process, is now the standard practice of the Economics Committee.

Following the workshop on plenary procedures and the discussion of parliamentary calendars, the schedule for Council meetings changed to holding four sessions in one week, leaving alternate weeks free for committee meetings. From that time on, the Economics Committee began to meet in Gaza on a regular basis. (This schedule could not be followed at all times, however, due to the many external factors, such as Israeli border closures and, at times, a lack of adequate meeting space.) The Economics Committee recognizes the importance of regularly scheduled meetings, not only for the Members to be able to schedule their other legislative duties, such as constituency work, but also for the public to be able to access the Committee as the need arises. The Committee's decision to hold open meetings thus serves to encourage public participation in the policy making process.

The Economics Committee organized a meeting with selected representatives of the business community to review issues of common concern with them. NDI met with the clerk and the Committee chair following this meeting to review the outcome and to offer constructive criticism of the process. This meeting was a good beginning for the Committee and also encouraged public participation in the policy making process.

NDI approached the Chair of the Economics Committee after a period of observation of the Committee's meetings and suggested that NDI organize a "retreat" for Committee Members. The agenda for the retreat included: setting meeting agendas; making decisions; and developing short- and long-term plans to organize committee work and to set priorities for the Committee's work on legislation, budget review, and other issues referred to the it by the plenary. This retreat was held in October 1997 and by all reports was useful to Committee Members. At a meeting of the Committee following the retreat, a member suggested that the

Committee not entertain constituents' complaints unless such complaints had broad economic policy implications. He stated that the Committee's main responsibility was legislation and oversight of the executive and that individual complaints should be the responsibility of individual Members at the constituency level. The Committee agreed with the proposal, which echoed the presentations of all experts at NDI's workshop on committees in December 1996 and which was emphasized by NDI staff in all their work with PLC committees. This represented a major policy shift that has resulted in an enhanced legislative and deliberative capacity on the part of the Economics Committee as per IR 3.2.2.

B. PLENARY PROCEDURES

Increased Adherence to Standing Orders

When NDI staff began observing the PLC sessions in December 1996, sessions were chaotic. Members yelled at the Speaker who, in turn, shouted back at them. The Speaker either ignored points of order or argued with Members who raised them. He overruled objections to the proceedings by shouting the Members down. NDI staff observed that although Members were aware that the Standing Orders were not being followed during plenary sessions, they were not able to effectively challenge either the Speaker or fellow Members, as they did not have copies of the Standing Orders available to them during plenary. The Speaker constantly expressed his opinion on the substance of issues rather than restricting himself to the role of a neutral chairperson.

On the first anniversary of the PLC in March 1997, NDI printed and distributed small binders containing the Standing Orders to Members. Members immediately put the information to use and effectively raised points of order seven times during the session at which the binders were distributed. Thereafter, some Members took it upon themselves to be the guardian of the rules and constantly raised points of order that made reference to violations as they arose.

Members' interventions occasionally met with success. One Member on October 27, 1997 raised a point of order when a committee chair referred to an issue which had yet to be introduced in plenary for debate. The Speaker and the committee chair conceded that the Member was correct. This Member had attended all NDI workshops, the study mission to Hungary and the Economics Committee retreat.

Another Member, upon his return from the study mission to Georgia, challenged the Speaker on January 8, 1998, for comments which he made from the chair. This Member had been impressed by the Georgian Speaker, who was adamant that his role as Speaker required him to be totally neutral on issues before the house. The PLC Speaker was put in the position of attempting to justify his intervention.

At the close of NDI's program, the Speaker, who did not attend any of NDI's activities, continued to exercise his control over PLC sessions in a rather "unparliamentary" fashion. However, many Members are now versed in their own Standing Orders and regularly raise points of order and challenge the Speaker's arbitrary methods. While it is clear from their comments to NDI staff that these Members are aware of each violation and choose to tolerate the infractions in deference to the present Speaker, they do have the ability to invoke the Standing Orders when they desire and they often, in fact, do so.

By the end of this project, there was greater adherence to the Standing Orders than the minimal adherence that was the norm in October 1996. This led to more efficient plenary procedures and to an enhanced legislative and deliberative capacity as per IR 3.2.2.

Improvements in Voting Procedures

The April 28, 1997 session of the PLC provides a good example of the state of affairs regarding legislation and voting procedures in the PLC near the beginning of NDI's program. This particular session dealt with amendments to the Standing Orders. Although Members had been told to submit their amendments to the Legal Committee several days beforehand, Members proposed new amendments from the floor. As the committee chair read one amendment, he was instructed by the Speaker to "move on," with the result that the article was not dealt with. The norm to that date had been for the chair of the Legal Committee to shepherd any legislation, as well as the Standing Orders, through the house, including completing the analysis of amendments in their committee (even though the Legal Committee had no expertise on the subject matter of the legislation).

This session was also an example of how votes were handled by the Speaker. Voting was conducted in a most disorganized manner - points of order in relation to votes were ignored; Members proposed amendments while the Speaker called a vote on another item; votes were taken even when there was no longer a quorum; and votes were taken and re-taken on amendments even though it was not always clear on which article the voting was taking place.

When the first Deputy Speaker, Abu Naja, was in the Chair for the September 18 session, the legislation proceeded with a greater degree of efficiency and in a more organized manner. Members were clear on which amendment they were debating, and an orderly vote was conducted on each and every amendment. This orderly procedure did not continue; when the Speaker returned to the Chair, he reverted to his usual unparliamentary behavior. However, it is clear that some Members, such as the Deputy Speaker, Abu Naja, and the chairs of committees who attended NDI activities, are versed in and can implement parliamentary procedures when provided the opportunity to do so.

Improvements in Handling Legislation

A marked change has occurred in the way the PLC conducts legislation. This change is evidenced by a comparison of PLC sessions held in June 1997 with those held only a few months later in September and November 1997. On June 2, 1997, the chair of the Legal Committee, rather than the "relevant" committee (as stipulated in the Standing Orders), presented proposed amendments to the Civil Service Law. It was still accepted that the Chair led the debate on draft laws before the plenary; on July 14, 1997, he similarly introduced the amendments to the Local Government Law.

By September 17, 1997, however, the chair of the Natural Resources Committee (and not the chair of the Legal Committee) presented the Petroleum Law for first reading and steered it line-by-line through the plenary the following day.

NDI's resident director of the PLC program, Myrna Phillips, had also suggested to PLC Members that the procedure for presenting amendments needed improving and recommended that present clauses should be shown side by side with proposed amendments to facilitate comparison. On September 30, 1997, amendments were presented to PLC Members on a new form clearly showing the original version in one column with the amended version in the next column.

Again during the November 24-26, 1997, session, the Precious Metals Stamp Bill and the Petroleum General Agency Bill were carried through first and second readings by the Chairs of the relevant committees (the Economics Committee and Natural Resources Committee, respectively), not the Legal Committee. On January 7, 1998, the *rapporteur* of the Interior Committee led the debate on amendments to the Firearms Bill and, since that date, this has become the established procedure. (The rapporteur was a participant in two NDI workshops and the Economics Committee Retreat.) Further evidence of progress came when, on the same day, the Chair of the Interior Committee successfully argued that a certain draft law must be referred to the relevant committee, contradicting one Member's suggestion that it be forwarded to the Legal Committee.

The proper role of committees in the legislative process is one area in which a definite shift has occurred and in which current practice of the PLC now conforms to standard democratic legislative procedure. The Council has adopted the procedure of relevant committees reviewing legislation, proposing and analyzing amendments, and steering the legislation through the plenary. There has been a gradual but steady improvement from April 28, 1997, through January 7, 1998, and to the present in the way in which legislation is dealt in plenary session. In addition, relevant committees, having debated the merits of proposed amendments in committee sessions, are more knowledgeable about the subject matter and are therefore more competent to answer policy questions during plenary debates than is the Legal Committee. Meanwhile, the role of the Legal Committee has been limited, as per standard procedure, to reviewing legislation for legal technicalities.

Setting the Agenda

When NDI began observing sessions of the PLC, the amount of time taken in plenary to adopt the agenda was quite lengthy. There were many sessions in which half of the first day was taken up by efforts to amend the agenda. As the PLC referred to a week of sittings as a "session" and generally met for two days a week, this meant that the Council dealt with the agenda four times a month, at the beginning of each week. This process took an hour or more once a week, totaling four to six hours a month -- or roughly a full one quarter of the Council's time in session -- just to set the agenda.

Another faulty procedure used regularly at the beginning of NDI's observation of the PLC was for a Member to raise an issue he/she wanted to add to the agenda followed by lengthy speeches on the substance of the issue. In fact, the matter was very thoroughly discussed whether they decided to add it to the agenda or not. However, no action or resolution would result.

To help remedy this situation, NDI first raised the issue of adopting an agenda at the NDI workshop on plenary procedures, held in March 1997. All the foreign MPs who participated in the workshop presented their calendars for parliamentary work, noting that they all had parliamentary house committees in which a formalized process for setting agendas was used.

These concepts were reinforced at NDI's mini-workshop entitled "Setting and Amending Agendas," which was held in both Ramallah and Gaza on May 3 and 4, 1997. Myrna Phillips pointed out to the Members then, and on many other occasions, that the Standing Orders had very specific requirements regarding distribution of the agenda, i.e., requiring that it be received by Members two days in advance. NDI staff discussed with Members the importance of their having as much advance notice of issues as possible, which is particularly important in order to provide them with adequate time for analyzing pending legislation and for discussion with constituents and experts. Members were also advised that deadlines for placing items on the agenda should be followed, as this would save precious time in plenary for substantive debate. NDI staff also discussed the procedure for moving that an item of urgent importance be added, seconded and voted on. The debate on the substance would then properly be left until that item was reached on the amended agenda and a decision could be made as to what action, if any, the Council wished to take on the matter.

Members who participated in the NDI study missions to Hungary and Georgia in June and November, respectively, had an opportunity to observe other parliamentarians' methods for determining their agendas. In discussions with staff, leadership and committee Chairs, PLC Members gleaned much valuable advice on this topic.

The result was that by the fall of 1997, much less time was spent in plenary session on adopting agendas, and agendas were consistently amended and adopted within 15 to 30 minutes

of the call of that agenda item. For example, in the PLC's December 8, 1997 session, amendment of the agenda plus adoption of the minutes took only half an hour. Another sign of progress in this area was the decision by the Council to move to sitting on four consecutive days on alternate weeks. This resulted in the agenda being adopted at the first day of each four-day session, with the agenda being adopted only twice a month now instead of four times. Thus, in comparison, the Council today spends one hour total per month setting the agenda versus the four to six hours per month it had previously spent on setting the agenda. In addition, the agenda is now consistently distributed to Members the required 48 hours in advance, per the Standing Orders.

The combination of improvements in all these areas related to the agenda indicate that the PLC has substantially increased the efficiency and clarity of the plenary procedures and deliberative capacity, which can be linked to the IR 3.2.2. objective for an enhanced legislative and deliberative capacity.

Another major step in improving the Council's plenary procedures -- and a direct result of NDI's plenary procedures workshop -- was the establishment of the Council Affairs Committee at the opening of the Council's second session in September 1997. The Membership of this committee was finally determined in October 1997 and the new committee's mandate was formulated to deal with organizational issues such as the Council's agenda. The establishment of this committee directly enhanced the efficiency of the PLC, therefore enhancing its legislative and deliberative capacity as well.

C. LEGISLATIVE-EXECUTIVE RELATIONS

Institutionalization of Question Period

At the outset of NDI's program, the PLC had no formal or informal methods in place to oversee executive actions. The Standing Orders, however, do contain several provisions related to executive oversight, including a stipulation for question period, a requirement for submission of the budget to the Council, and the ability of the Council to set up *ad hoc* or special committees to oversee the executive.

The issue of question period was first raised with Members by the Canadian Deputy Speaker, Peter Milliken, during NDI's March 1997 workshop on plenary procedures. In the May workshop on legislative-executive relations, question period was the topic of a presentation by Australian parliamentarian Christopher Pyne. NDI workshops provided Council Members with information on organizing a question period as a vehicle for holding Cabinet ministers accountable. Members who participated in the study mission to Hungary in June 1997 had a further opportunity to observe a question period in progress.

After the idea of a question period was raised by Members who had participated in these NDI activities, the PLC held its first question period on July 3, 1997. Members pointed

out that question period was a requirement in the Standing Orders which was not being enforced. Question period is now a regular -- and important -- weekly feature of the plenary procedures of the PLC, and ministers take more seriously their responsibility to attend Council sessions and respond to Members' questions.

By encouraging the implementation of the Standing Orders on question period, and by offering practical advice and models as to how to proceed on this issue, NDI played an important role in assisting the PLC to incorporate question period as a formal part of its operations, which in turn greatly increases the PLC's ability to exert oversight of the Executive Authority as per I R 3.2.2.

Holding the Executive to Account

In May 1997, NDI, in conjunction with ARD and CPRS, held a workshop on legislative-executive relations. This workshop, designed and organized by NDI, included several agenda items aimed at providing Council Members with tools for holding Members of the executive accountable. Besides question period, the budget review process was presented as a method to oversee executive policy priorities. The May workshop addressed the Council's right to hold Cabinet Ministers accountable for their actions and expenditures, as well as the public's right to know how the executive is spending money on its behalf.

When charges of corruption were brought to the attention of Council Members in July 1997, Members were determined to exercise their authority and hold the Ministers accountable. The Council established a "Special Oversight Committee" and proceeded to hold hearings to gather evidence and question ministers. On July 15, 1997, the Committee presented its report to the Council. Following question period that day, the media attending that PLC session further challenged the ministers in the hall to account for their decisions. There was an attempt in plenary to close the session for the debate on the corruption report, but Members advocating transparency carried the vote and the session remained open. On July 30, the ministers responded, sometimes very emotionally, to the charges in the report. Members responded to the ministers' statements the next day and the Speaker stated, "This is an important example [of oversight of the executive], unprecedented in the Arab world."

The debate on the corruption report continued off and on throughout the summer and fall of 1997 and included threats by Council Members to hold a vote of no confidence in President Arafat's cabinet. The President finally agreed to address the recommendations of the Special Oversight Committee. On December 30, 1997, the Speaker announced the following list of eight promises to which the President had conceded in a meeting with the Speaker:

1) the President would issue decrees to implement Council resolutions;
2) the corruption report would be addressed and some ministers would be replaced;
3) the President would sign laws that had been forwarded to him;
4) the President would consult with the PLO regarding the Basic Law;

5) the President would recognize the Council's right to legislate;
6) the budget would be presented to the Council by the end of January 1998;
7) the executive would proceed with the development plans; and
8) the President would appoint a "parliamentary minister" to act as a liaison between the Council and the President.

The President's agreement to the Council's conditions represented a significant accomplishment for the PLC, and in the Council's session of January 6, 1998, Members voted to end debate on the corruption report. Although most of the President's promises have yet to materialize, the first step has been taken in holding the President and the executive accountable to the legislature.

Through NDI's work with the Special Oversight Committee and the Council Members in general, the PLC's capacity to exercise oversight of the executive authority has improved. This is in accordance with one of the main objectives of this program as stated in IR 3.2.2.

V. CONCLUSION

During the 18 months of this project, NDI was able to provide the PLC Members with targeted assistance in procedural and strategic areas relevant to any emerging democratic legislature. This assistance yielded tangible results including increased adherence to the Council's Standing Orders; institutionalization of question period; improvements in setting and adhering to the Council's agenda; creation of the Council Affairs Committee; improvements in the functioning of committees; and the issuing of a report, by a special committee of the PLC, describing and condemning corruption within the Palestinian Authority. These results concretely support the achievement of USAID's goal of developing an enhanced legislative and deliberative capacity within the PLC and increasing the ability of the PLC to exert oversight of the Executive Authority. While the PLC has made significant strides in these areas, it also experiences the sort of slippage and backsliding common to a developing legislature. Consistent outside support for democratic practices will be necessary if the Council's progress is to be sustained, let alone improved upon.

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MEMORANDUM

TO: The Honorable Jim Shannon
The Honorable Dunduba Aubrey Mokoena
The Honorable Myrna Phillips

FROM: Susan Benda, Senior Program Officer for Democratic Governance

DATE: December 3, 1996

RE: Terms of Reference for workshop with Palestinian Legislative Council on "The Role of Committees in the Legislative Process, in Encouraging Public Participation and in Overseeing the Executive"

I. INTRODUCTION

Thank you for agreeing to participate in NDI's workshop: "The Role of Committees in the Legislative Process and in Oversight of the Executive" being conducted for the committees of the Palestinian Legislative Council (PLC or Council). The workshop will be held in Gaza City on December 14 - 15, 1996.

The PLC was elected January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self Governing Authority in accordance with the Declaration of Principles (signed September 13, 1993) and the Interim Agreement. (Oslo II, signed September 28, 1995).

The Palestinian Legislative Council has been meeting regularly since its inaugural session on March 7, 1996. Although the Council has made substantial progress in the initial nine months of its existence, it continues to struggle to have a more significant impact on the legislative process, a more important role in overseeing the activities of the government and a more visible and positive image with the public.

It is clear that the Council committees are a significant institution within the PLC; the committees meet regularly, the committee chairs are serious about their tasks and the Council meetings spend considerable time addressing committee reports. However, in general, the committees do not conduct thorough reviews of draft bills and do not issue reports on legislation. Furthermore, the committees have not established relationships with relevant ministries and have not used outside experts or conducted hearings to augment either their legislative or oversight functions. *Instead, the committees* regularly issue reports that tend to catalogue problems with the Palestinian Authority (and the Israeli government) and include general policy advisories or pronouncements. Committees appear to spend a significant amount of time reviewing citizen

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complaints, which are submitted to the Council per the Standing Orders and referred to the relevant committee by the Speaker.

In the context of plenary sessions, committee members are usually precluded from participating in plenary discussion on issues which they have reviewed in committee sessions, consistent with an emerging consensus that committee members who have already debated a topic in committee should allow their colleagues to debate that topic in plenary.

While Council members do not generally view the committee system as a problem, they have voiced interest in learning about how committees function in other legislatures -- particularly in how they relate to the executive, conduct executive oversight and participate in the law-making process. In assessing the performance of the PLC in recent months (following NDI's *initial assessment report*, May 1996, enclosed) and talking to committee chairs, NDI has concluded that a program to enhance the ability of the committees to function in the legislative and oversight arenas is urgently needed. It is hoped that this program will simultaneously address two of the more comprehensive issues raised by Council members -- the Council's relationship with the executive and the organization of the Council's plenary sessions.

Prior to the workshop on Saturday and Sunday in Gaza City, we hope to take you to observe a PLC plenary session on Thursday morning, December 12 in Ramallah and to arrange briefings by NDI staff and local Palestinian experts, including Council members. On December 16 and 17, we hope to arrange individualized meetings with committee chairs and/or facilitate your attendance at individual committee meetings.

As soon as you receive this book, please be sure and read this terms of reference and review the workshop agenda, both of which should help you organize your presentations AND suggest documents to bring with you. It would be of invaluable assistance if you would bring with you any materials that demonstrate the work of committees in your legislature, including committee agendas, hearing records, reports on legislation, etc. If possible, multiple copies of difficult-to-copy documents would be greatly appreciated. In addition, any short article(s) you may have on your committee system would be most welcome. We will do our best to translate and/or reproduce the materials that you bring. We will also have an overhead projector available for your use, should you need one.

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To provide the committees with comparative examples of committee structure and operations;

2) To interest committee chairs and others in adapting methodology from other legislatures to enhance their legislative and oversight capacity and to utilize committees as a forum for public participation in the process;

3) To persuade PLC members that learning about the practices of other, democratic legislatures and applying such information to the Council will advance their progress towards an efficient and democratic legislature; and

4) Ultimately, to enhance the capacity of the committees to conduct executive oversight; review and recommend legislation; and enlist outside expertise and public participation in the legislative and oversight process.

Subsequent to the workshop, NDI staff hopes to work closely with committee chairs interested in implementing ideas presented at the workshop, such as organizing a public hearing and/or engaging expert consultants to review draft legislation.

III. PROGRAM ACTIVITIES

A. Briefing and Preparations

Accompanying this memorandum is a draft workshop agenda. When you arrive on December 11 we will meet you at the airport and take you to Jerusalem where you will check in at the Ambassador Hotel (telephone 972-2-532-3537 or 582-8515/6; fax 972-2-582-8707) Before we begin the workshop, we will provide you with two days of briefings on the political context and the PLC that will include visiting a session of the Council, and meetings with NDI staff, Palestinian political leaders, journalists and representatives of NGOs. We also hope to provide you with some (unfortunately, limited) time to see Jerusalem.

We will also schedule time during Thursday and Friday for an in-depth discussion of NDI's experience with the PLC and our objectives for this program. We would like to meet as a team to plan the workshop. The agenda in your Briefing Book will serve as a general guideline that we can modify on the basis of the briefing meetings and as we piece together our collective experience. We hope that Council members will be forthcoming in their questions to ensure that they obtain relevant and useful information from this workshop.

On Friday evening we will travel to Gaza by car (a one-and-a-half hour drive) and we will stay in Gaza City on December 13 and 14 at the Palestine Hotel (phone 972-7-823-355/6; fax 972-7-860-056). We plan to return to Jerusalem on the evening of December 15 to the Ambassador Hotel where you will stay until you depart on December 18. (If the Council committees are meeting in Gaza City, rather than Ramallah, on December 16 and 17, we may decide to stay at the Palestine Hotel through the night of December 15.) You can also be contacted through our Jerusalem office (972-2-532-6048) and Gaza office (972-7-824-797).

While some Council members speak fluent English, others do not. Therefore, our program will be conducted with the assistance of simultaneous interpreters. We will schedule time before the program begins to practice with the interpreters, and we will ensure that they are available during meals and breaks to help with individual conversations. Please avoid using

degree of control over the lives of the electorate represented by the Council. In addition, while peace agreements have been signed, the political situation remains tense.

The 89-member Palestinian Legislative Council (88 members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council members with a substantially revised set of Standing Orders, which were adopted after a long and, at times acrimonious, 14-hour meeting. (See Appendix B, NDI Assessment Report, May 1996.)

Subsequently, on April 4, the Council voted to accept the list of the members of the Council's eleven committees. In accordance with the Standing Orders, members requested their committee assignments (a maximum of three) and the Speaker, after negotiations, presented the lists for Council approval. During that session it became clear that the Council was ignoring the Standing Order limitation of nine persons per committees; the largest committee had 33 members and the average committee size was 17 members.

The Council has been meeting regularly, except for a summer recess in August, on Wednesdays and Thursdays of each week. Their meetings alternate between Ramallah (West Bank) and Gaza City, although since the summer most meetings have been held in Ramallah. The Council committees generally meet on Mondays and Tuesdays.

The Council's first task, after adopting its Standing Orders (and establishing its committees), was to adopt a Basic Law, or constitution, for the Interim Period, *i.e.* until final status negotiations are completed (scheduled for 1999). The Legal Committee of the Palestinian National Council (PNC), which is the PLO's legislative arm, had published the Fourth Draft in January 1996. Before adjourning for the summer recess in August, the PLC adopted a revised version of the draft Basic Law. (NDI organized a workshop for Council members on the Basic Law in May, 1996.)

The Council had taken up a draft presented by its Legal Committee, debated the draft article by article, submitted it to a special "rewording committee" and subsequently adopted that committee's draft. The Council called this process the "first reading" and sent the fruits of its labor -- its revised version of the Basic Law -- to the Palestinian Authority for comment. In discussions with members of the rewording committee about the process, NDI found that the committee members (as well as other colleagues) are not troubled by this process; they find it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. To date, the executive has not commented on the Council's draft and Council members, including the Council leadership, continue to raise concerns about the executive's inaction.

In the course of the Council's summer-long consideration of the Basic Law, it became evident that the PLC did not have an effective procedure for considering and adopting amendments to legislation, nor did it have a process for organizing speeches in plenary session.

These problems can be attributed to several sources: First, the Speaker often does not enforce the Standing Orders. For example, he is notorious for participating (at length) in Council debate without first vacating the Chair. (Standing Orders, Art. 5). Second, the Council's rules are sometimes overly vague and/or unenforceable. For example, Art. 34 prohibits speakers from repeating any point made by any other members, an arguably unenforceable rule. Vague rules, such as the absence of time limits for speeches, also add to Council inefficiency and members' frustrations. Apparently reflecting the absence of political parties in the Council, the rules allow all members to speak in the order in which they request to do so. (*See Art. 26*).

In an attempt to address these problems, the Speaker appointed (and the Council concurred) a five-member "rewording committee." This committee, which was established to assist with the draft Basic Law but continues in existence to this day, has the task of amending a text to make it conform with the sentiments of the Council members, as expressed in floor debate. (See NDI report on Council session, August 6, 1996, Briefing Book at tab 5.)

Apparently in response to the suggestions of some Council members, the Council established a committee to review and assess the Council's activity to date. On October 20, the Council read the assessment report and debated it in plenary session. (See PLC Assessment of First Seven Months, NDI Briefing Book at tab 7.

In its assessment report, the Council noted among its achievements the establishment of eleven permanent committees with defined specializations. At the same time, the report notes that the Council and the committees lack a mechanism to oversee the executive authority which has hindered the work of the committees. In addition, although the committees meet on a regular basis and submit reports to the Council, the assessment notes that the committee reports are similar to minutes and have sometimes resulted in unnecessary and lengthy debate in plenary session. The report recommends that the current structure of permanent committees -- including the number of committees and the committee assignments themselves -- be reexamined with an eye to increasing committee efficiency, and that a new mechanism be established to screen citizen complaints prior to their submission for committee consideration.

B. NDI's Work in West Bank-Gaza: A Brief Summary

1. Summary of NDI Programs with PLC to Date

NDI organized an assessment program from March 4 to April 10 in order to evaluate the obstacles and opportunities before the Council. The assessment included a report on the Council's needs for outside assistance and the plans of different donor organizations. In response to requests from individual members, the assessment team also provided consultations and documentary support for the temporary Legal Committee, which was considering draft Standing Orders while the assessment was taking place. The assessment team include former Canadian MP Ross Reid, as well as NDI staff Susan Benda and Kevin Johnson. The team met with 22 members of the Council from March 7 to 20 as well as with journalists, civic leaders, academics, and representatives of other donor organizations. We subsequently met with other

Council members, attended almost all Council sessions, and in response to requests from members, provided consultations and/or materials on a variety of topics.

During the assessment, NDI had the opportunity to hear the Council members' visions of the Council, their sense of their individual and collective priorities and the obstacles and opportunities the Council as an institution faces. Most of the Council members consulted stated that a first institutional priority was the adoption of a Basic Law, and that the Basic Law would be a key indicator of the Council's democratic potential. Today, Council members continue to refer to the need to adopt a Basic Law in order to address other important, pending matters.

NDI convened a workshop on the Basic Law in May, 1996. The international participants attending that program included a Jordanian attorney with constitutional expertise, the former Chairman of the Judiciary Subcommittee on the Constitution of the U.S. House of Representatives, the current Chair of the Hungarian Parliament's Judiciary committee, a former French National Assembly member who is currently legal advisor to the Prime Minister, and a former Canadian MP who participated in Canada's constitutional amendment process. The program provided a forum for Council members to speak with experienced legislators about constitutional issues, particularly issues related to executive-legislative relations. The international participants led discussions on constitution writing, options for creating a proper balance between the legislative and executive branches and for ensuring implementation of constitutional provisions.

Since that time, NDI staff in Jerusalem has continued to attend Council meetings and to provide assistance on specific topics, as requested. For example, in response to the apparent disorder in the PLC's process for consideration of the draft Basic Law, in early August 1996 NDI drafted a memorandum setting forth procedures for plenary consideration of legislation in Australia, Great Britain and the United States, which was distributed to key actors including the Speaker. (See NDI Briefing Book, Tab 9.)

In October 1996, NDI obtained a grant from AID to provide a 15-month program of support to the PLC. In October-November, NDI staff met with a dozen Council members to assess Council priorities, determined that a workshop on committees should be scheduled before the conclusion of 1996 and drafted a six month work plan for NDI projects to support the Council through March 1997.

2. Civic Forum

In September 1995, NDI began *Civic Forum*, a civic education program designed to raise the level of awareness among Palestinians about their rights and responsibilities in a democratic society so that they become better informed and more active citizens. *Civic Forum* engages a broad cross-section of Palestinians in a continuing series of moderated discussions that enable participants to examine universal ideas related to democracy and the Palestinian political transition. NDI organized *Civic Forum* after conducting focus groups and consultations with Palestinian educators, community activists, local and national leaders, and prospective voters.

The program has been modified continuously, incorporating Palestinian recommendations about its structure and content.

In the current program, 22 NDI-trained Palestinian moderators conduct monthly civic education discussions with at least 20 groups each in cities, villages and refugee camps in the West Bank and Gaza Strip. The participants of every group comprise a diverse cross-section of local Palestinian society and reflect the political tendencies present in their community. Thus far, the program has addressed such topics as: *Individual Rights: Rule of Law, The Palestinian Election System, The Relationship Between Candidates and Voters, The Relationship Between Representatives and Constituents, Constitutions, How a Bill Becomes a Law,* and *The Role of the Media in a Democracy.* (See NDI Briefing Book, Tab 11.)

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Committees: Their Role in the Legislative Process, in Executive Oversight and in Encouraging Public Participation

Saturday, December 14, 1996

10:00 **Introduction to Workshop**

10:15 - 10:45 **Keynote/Introductory Comment: Hon. Jim Shannon**

Presentation examining how committees can create avenues for public access and input to legislative decision-making, organize the institution's legislative and oversight work and help legislators develop expertise in particular areas.

10:45 - 12:30 **The View from the Palestinian Legislative Committee Chairs: Triumphs, Trials and Tribulations to Date**

The Chairs, Rapporteurs (and other Council members) present their view of the successes of their committees as well as the obstacles they face. This is an opportunity for the PLC members to frame issues that will guide the discussion of international participants throughout the workshop.

12:45 - 2:15 **The Role of Committees in the Legislative Process: Panel Discussion**

Each of the international participants will make a brief presentation on the role of committees in the legislative process in their respective systems as well as some general comments. The topic will then be open to a question and answer and general discussion period.

Issues to be discussed will include: how committee obtains information about a draft bill, analyzes bill content, debates and amends legislation. In addition, the discussion will include how the committee works with the executive to develop legislation; other resources and experts; committee reports on legislation and the committee members' role in plenary debate.

2:15 - 3:30 **Luncheon**

3:30 - 5:00 **The Role of Committees in Encouraging Public Participation: Hearings, NGOs, Experts and the Media**

Each international panelist will address several ways in which the committee work in his or her legislature involves the public. The discussion will include: the purpose, scope and content of a public hearing; how it is organized; the role of the media; the development of an agenda and witness list (need for balance), the role of individual legislators during a hearing; questioning witnesses; field hearings and/or travelling committees; working effectively with NGOs, experts and the media. The short presentations will be followed by a question and answer and discussion period.

6:00 **Reception at Palestine Hotel**

December 15, 1996

9:30 - 11:00 The Role of Committees in Executive Oversight

Topics to be discussed include: developing a relationship with relevant executive ministries; respective roles of legislative and executive branches in developing and passing legislation; the rights of the legislature to inquire into operations of government ministries (and how to enforce them); how to monitor and measure the impact of legislation; how to ensure that regulations issued by executive are consistent with legislation. Short presentations by each international participant about executive oversight in his/her systems will be followed by one hour for general discussion.

Conclusion of Program

1:00 - 2:30 Luncheon
Getting the Work Done (Optional Meeting)

A round table discussion of how to set a committee agenda (over shorter and longer term); how to coordinate with other committees and the speaker; plenary and other issues of committee organization (establishment of subcommittees, size of committees, etc.) raised by Council members.

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INTERNATIONAL PARTICIPANT BIOGRAPHIES

Aubrey Dundubela Mokoena is a member of the South African parliament and holds a leadership position as Chairperson of the Committees of the National Assembly. He has also served on the Public Enterprises and Environmental Affairs and Tourism Committees. He is a member of the Gauteng Provincial Executive Committee of the ANC, head of the ANC Gauteng Provincial Economics Unit, former member of the National Executive Committee of the United Democratic Front and former national co-coordinator of the Release Mandela Campaign.

Myrna A. Phillips served as a member of the Legislative Assembly of Manitoba, Canada from 1986 to 1988 and as Speaker of the Assembly from 1986 to 1988. She was also chairperson of the Government Caucus from 1984 to 1986. She is an organizer, manager and communicator with advanced skills in negotiations, administration and training as well as over three decades of direct and indirect legislative experience.

James M. Shannon began his political career with his election to the United States House of Representatives in 1978. He was the youngest member of the 96th Congress and served in the House until 1985. A member of the House Ways and Means Committee for six years, he served on the Trade and the Health and Social Security Subcommittees. Mr. Shannon has also served as a Senior Partner at the law firm of Hale & Dorr in Boston and as Attorney General of the Commonwealth of Massachusetts. Since 1991, Jim Shannon has been Vice President and General Counsel of the National Fire Protection Association in Quincy, Massachusetts, an international organization which develops standards adopted throughout the United States and governments around the world.

NDI STAFF

Susan R. Benda is NDI's senior program officer for democratic governance. As such, Ms. Benda serves as NDI's in-house expert advisor and consultant for its programs with legislatures world wide. She has developed materials for use in NDI legislative programs and participated in such programs in Kazakhstan, Latvia, Madagascar, Malawi, Romania and West Bank and Gaza. This past spring, Ms. Benda spent several months working out of NDI's Jerusalem office with the Palestinian Legislative Council. Ms. Benda is an attorney who joined NDI after practicing law at the law firm of Arnold & Porter for three years, and having served as legislative counsel for the American Civil Liberties Union from 1983 to 1989.

Leslie Campbell is Director of the National Democratic Institute's programs in the Middle East. From 1990 to 1993, Mr. Campbell was the Chief of Staff for the Leader of the New Democratic Party in the Canadian House of Commons. Since 1993, Mr. Campbell has held a variety of posts

with NDI. As a parliamentary and political party trainer in NDI's Moscow office, he held training sessions for members of parliament and political candidates on issues of political party development, campaign organization and constituent relations. And as director of the NDI field offices in Zagreb, Croatia and Sarajevo, Bosnia he conducted programs with political leaders on issues of democratic development, political party building, and electoral reform. Prior to 1990, Mr. Campbell was an advisor to the Premier and Cabinet in the Manitoba Legislature.

Sean Carroll is the chief of mission of NDI's West Bank and Gaza office. He has been with NDI since 1986, working on democratic development programs in nearly 25 countries. He previously managed programs in the Czech and Slovak Republics, Mozambique, and Northern Ireland; and was for three years executive officer in NDI's Washington office, in charge of Congressional relations in addition to other program and administrative duties.

The Role of Committees in the Legislature

A National Democratic Institute for International Affairs Workshop

Shawwa Center
Gaza City, Gaza

December 14-15, 1996

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Introduction

On December 14-15, 1996 the National Democratic Institute for International Affairs (NDI) convened a workshop at the Shawwa Center in Gaza City on "The Role of Committees in drafting legislation, in encouraging public participation in the policy making process, and in oversight of the executive." This document is a report of the workshop deliberations.

The Palestinian Legislative Council (PLC) has been meeting regularly since its inaugural session on March 7, 1996. It is clear that the Council committees are a significant institution within the PLC; the committees meet regularly, the committee chairs are serious about their tasks, and significant time is spent in the Council meetings to address committee reports. This workshop evolved out of an interest voiced by Council members in learning about how committees function in other legislatures--particularly in how they relate to the executive, conduct executive oversight, and participate in the law-making process.

Rationale and Program Goals

This workshop followed previous work undertaken by NDI and the PLC, which included an assessment and report of the first two months of the Council, and a workshop held in May, 1996 on constitutional issues and the Basic Law. NDI's current work with the Council, including this workshop, is part of a 16-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed around a series of workshops led by international participants on different components of legislative development, including plenary procedures, legislative-executive relations, transparency, the budgetary process, and the role of committees. For these workshops, comparative legislative materials in Arabic will be distributed to Council members.

In addition to the workshop series, two study missions will be organized whereby a select group of PLC members will visit other transitional legislatures to see sessions first-hand. To supplement these activities, NDI will disseminate legislative materials in Arabic, and will provide on-going consultations with Council members, including responding to requests for information about legislative issues in comparative contexts.

The goal of the Committees Workshop was to bring together a select group of legislators from other countries with PLC committee chairs and rapporteurs, as well as other interested members, to discuss the various functions of committees, and to begin to address ways to build on the work of committees to date to strengthen their role in the legislative process. The workshop also helped NDI in developing a baseline assessment with which the future work of the PLC committees can be compared.

Approximately 25 Members, including committee chairs, rapporteurs, and other

interested PLC members attended the workshop. The cross sectional representation of committee members allowed for discussions that were engaging and also afforded the opportunity for Members to see both similarities and differences in the work of the various PLC committees.

To facilitate discussion and present models from other legislatures, NDI invited three international participants from the United States, Canada and South Africa. They were: Mr. James Shannon, a former member of the United States Congress; Ms. Myrna Phillips, a former representative and speaker of the Manitoba Legislative Assembly, and the current director of NDI's program with the PLC; and Mr. Aubrey Dundeubela Mokoena, a member and Chairman of the Committees of the South African Parliament. Ms. Susan Benda, NDI's Senior Program Officer for Legislative Programs, served as chairperson of the workshop.

NDI is thankful to all those who participated in the workshop, and is hopeful that this report, including its recommendations and evaluation, will be beneficial to the development of democratic norms and procedures in the Palestinian Legislative Council.

Background

NDI held the workshop in Gaza City, one of the meeting places of the PLC, although the Council has been convening most of its sessions in the West Bank (mainly Ramallah) since the summer. More than one-third of the Members represent Gaza. Moreover, as the headquarters of the Palestinian Authority, Gaza is a central point of Palestinian political life.

The political and economic situation in Gaza is quite different from that in the West Bank--while the Gaza Strip is under Palestinian autonomous rule, there remain difficult travel restrictions that prevent most Gazans from leaving, even to travel to the West Bank. Even Council members from Gaza have experienced difficulty in traveling to the PLC sessions in Ramallah. Moreover, the economic situation is Gaza remains strained in comparison to the West Bank: the economic isolation rendered by Ottoman, Egyptian and Israeli occupation of Gaza, as well as current trade restrictions and other hindrances towards creating autonomous economic policy, continues to create many obstacles to economic development, and influences the political environment as well.

Executive Summary

The agenda for the workshop on committees was organized to cover the following questions:

* What is the role of committees in the legislative process?
* How can committees encourage and benefit from public participation in the policy-making process?
* How do committees conduct oversight of the executive?

Through plenary sessions, delegates discussed the questions listed above with the international participants. The day after the workshop, internationals met with committee staff in Gaza, to discuss some of the same issues.

One of the themes that emerged from the workshop was the need for the committees to develop the capacity to consult civic organizations and the general public on legislative policy issues. It was suggested that committees should facilitate this process by holding public hearings, in the Council, and, when possible, in the field.

The members are very aware that they are in the legislature to "serve the people," and realize the importance of Palestinians understanding the work of the Council. To this end, the role of the media is seen as very important, as is the development of stronger constituency relations, for example, through district offices.

The participants discussed the mechanisms that can be utilized by the committees to conduct oversight of the executive, particularly as it pertains to the implementation of laws. Delegates also emphasized that greater coordination with the cabinet would be mutually beneficial, particularly on issues such as the budget, and would enhance the overall relationship between the legislature and the executive.

Participants recognized the importance of information for conducting an effective legislative process. Members need to aggressively seek information from cabinet members and from other sources as well.

Introductory Remarks

The Honorable Jim Shannon
Former Member, U.S. House of Representatives

Thank you for allowing us to be here today. We believe that the developments in the Palestinian Legislative Council are deemed very important to the rest of the world. We have come today not to tell you how to run your legislature, but to share our different experiences. It is important to emphasize that none of us here believe that there is a right or a wrong ways to do things--each country is different. And the model which will work best for Palestine is a Palestinian model.

It is very important in the early stages of a legislature to pay attention to how things are done, because much of how a legislature functions is due to custom and tradition, not only due to the law. So, the relationships you establish with each other, with the executive, with the speaker, will have a strong influence on your work in the future. It is important, therefore, at this stage to decide the role you want to play, even though this is hampered by the lack of a Basic Law.

One thing on which all the panelists will agree is the important role of committees in any system. Woodrow Wilson wrote a dissertation about the Congress in which he said that the work of the Congress is done by committees. This is truer today than when it was written, as constituents have become more demanding and voice their problems and want quick answers. It is often difficult to explain how the system works, and how it takes time to get things done. Committees, through their work on specific issues, alleviate some of the political pressure from the Council in general.

On a certain issue that is of concern to a large group of constituents, for example, a committee member can conduct hearings. This would entail inviting community experts (academics, NGOs, etc.), to discuss the issue at length. It is essential that this be done in a public way, and that the media attends. Then, the committee would work on legislation to solve the issue. At the same time, the executive authority would realize that there is a lot of public support for this problem. Holding a public hearing can be more effective than presenting the problem to the entire Council--people in governments throughout the world have realized the importance of working through committees to solve a particular issue.

Once a hearing has been held, the committee can work to develop legislation to be presented to the entire Council. When the issue is debated in the entire Council, the committee members will take the lead in the debate, not all of the members need to be--nor can be--experts on every topic. This way, members can learn from each other and can learn to rely on each other's judgement.

The chairman of the committee will present a bill and the committee members will lead the debate. There is no requirement for "collective responsibility," that is the committee members do not need to be united support of the majority's decision, so committee members can speak out against the pending legislation that the committee is recommending. In the United States, the Republicans, as the majority party, lead the debate and the Democratic (minority) party leads the opposition. This is a very effective mechanism.

Once a bill is passed, it is the job of the committee to ensure that it is implemented. This job of oversight is a critical function, because it establishes the balance between the legislature and the executive. Without this accountability mechanism, there is no way that legislation can be effective. This function of oversight and accountability is also important regarding the relationships between committees and ministries, and is particularly effective when committees relate to ministries (in the United States, for example, the Education Committee oversees the Department of Education). With this system, the committee learns how a particular ministry functions, and can develop important knowledge and relationships. This familiarity facilitates the job of the committee to keep track of the ministry.

Another type of committee are special ad hoc temporary committees which are established for emergencies, for a short-term crisis, or for an issue to be investigated. This type of committee supersedes all other committees; the "Watergate" committee was one of

these. These type of investigations differ from oversight investigations because they do not focus on a particular piece of legislation.

In closing, I want to reiterate that I have given the American experience, but there is the trend in the rest of the world's legislatures to become more dependent on committees, because of the efficiency in addressing constituents and in oversight of the executive. I hope that you will see the importance of committees in the Palestinian Legislative Council.

Views from Members of the Palestinian Legislative Council on the Role of PLC Committees

This session enabled the participants to present their views and observations of the role of the PLC committees, and provided an opportunity for the international participants to learn more about the particular issues with which the Council is dealing.

The PLC members addressed the issue of the Council's committees by first establishing the context of the PLC's work. One recurring theme articulated by many of the Council members related to the extraordinary challenges, both external and internal, that the PLC faces. The members cited the continued Israeli occupation, the slow pace and the overall shortcomings of the Oslo process, the severe discrepancies (economic, social, political) between the West Bank and Gaza, and the logistical challenges associated with convening the Council, as among the macro factors that severely constrain the work of the Council. Moreover, the lack of a unified body of law in the West Bank and Gaza, which have a mixture of Ottoman, Egyptian, Jordanian, British Mandate and Israeli laws, poses a significant obstacle to the task of legal reform.

In addition to these overarching circumstances, the Council members pointed to many internal issues that hinder the Council's development. For one, the unclear division of power between the legislative and executive branches, in the absence of a Basic Law, limits the ability of the committees to oversee the executive. In addition, there is not always effective coordination between the committees and government ministries on pending legislation and related policy issues.

In addition, that this is a new Council means that most of the members lack legislative experience, and there is no precedent from which to draw experience and knowledge. Like the Council, the Palestinian Authority (PA) lacks experience, and this makes the transition from a revolutionary movement to a well-functioning government difficult.

Members repeatedly stated that the committees spend virtually all of their time reviewing and responding to constituents' complaints, which leave the committees little time to focus on larger, policy issues. The Council's Standing Orders provide that the public can send complaints to the Council, and the Speaker refers complaints to the committee with relevant jurisdiction (Article 92). The committees have therefore become accustomed to being reactive rather than proactive. In addition, the Council members voiced their frustration

with their inability to provide answers to constituents' concerns, often because the issues of concern to the constituents are not within their control.

Questions and Answers

Presenting Legislation

One member asked if the minority (opposition) party could present bills. Mr. Shannon responded by stating that in the United States Congress, in order for a bill to reach the floor (plenary), it has to be reported by, reviewed and voted on by a committee. The typical situation is that the majority party presents a bill which the minority party generally opposes. The debate is led by one member of the majority and one member of the minority; usually, both are members of the relevant committee. Members of the committee that presented the bill are free to speak in favor or against it.

Special Committees

A member asked if special committees are standing (permanent) or ad-hoc (temporary). Mr. Shannon explained that special committees are ad hoc--created for a specific purpose and dissolved when the issue is resolved.

Committee Appointments

A Council member asked how committee membership is determined, whether it is based on qualifications. Mr. Shannon stated that in general, members of Congress seek membership on a committee where they have expertise. In Congress, seats in the committee are distributed proportionally between the majority and minority parties and membership is determined by party, through the party caucus. In addition to expertise, regional considerations are also taken into account when determining committee membership, in order to ensure that there is adequate geographical representation within the committees.

Committees and Constituent Complaints

Ms. Benda made reference to Members' discussion of the PLC committees as preoccupied with dealing with complaints, and asked how unique this was in comparison to the American, Canadian and South Africa models. She asked the internationals to explain how complaints are handled in their respective systems.

Ms. Phillips stated that the committee system is Canada is very different from the American model. Constituent complaints are handled by the ministries that deal with that specific area, while the committees would focus on legislation. A member of the majority party may bring up constituents' complaints in the party caucus, then they would be directed to a minister.

Mr. Shannon also emphasized that committees in the US system are not the first and foremost outlet for constituent complaints. In the US system, it is not the job of the committees to address individual complaints, but rather, to address problems that affect a community at large. The U.S. committees, therefore, address large policy questions. Mr. Shannon also stated that in his view, it is important for constituents to register their complaints with their individual representatives, who will represent them in the Council. This helps to ensure the accountability of the elected officials. This process is also good for the Council members, because it helps them establish support among constituents, who will feel that their problems are being addressed.

One member responded by noting that when a complaint reaches the PLC, it is dealt with as a general policy matter, regardless of who introduces it. As Members, he stated, we are responsible to specific committee areas, as well as to the Council as a whole.

Mr. Shannon commented that in the United States, most complaints do not require a complete change in policy, so committees need only be involved when there is a need to change policy.

Ms. Phillips noted that in Canada, legislators call ministers' offices on behalf of constituents to help obtain responses to complaints. The daily "Question Period," however, serves as another mechanism to address complaints. During this time, ministers attend the plenary session, and are asked difficult questions about their policies by opposition leaders. The press documents what is said.

The Role of Committees in the Legislative Process and in Encouraging Public Participation

Afternoon Session

Myrna Phillips
Former Member and Speaker of the Manitoba Legislative Assembly

In Canada, the government follows the party system, and there are several parties. After an election, the majority party forms the government and it's leader becomes the prime minister. The second largest party becomes the "Official Opposition." The Government is empowered to enact legislation and to raise and spend money. An election platform is presented during the campaign, so the elected party has the mandate to enact its platform. Policies are implemented by passing laws or raising money, etc. Ministers are chosen by the prime minister (or by the premier at the provincial level) from the ruling party, and are in charge of one department or several small ones. The speaker, deputy speaker and chairs of committees are nominated by the prime minister or the premier, but are approved by a vote of the entire parliament. All decisions made in the House and in committees are made by a

motion; nothing can be discussed without a motion being made. A motion is simply a member being recognized by the speaker as "moving" a certain proposal for consideration of the full body; in general, a motion must be "seconded" by another member.

There are two types of committees in the Canadian system, both of which are decision-making bodies. The government, through a minister, puts forth a bill which is presented to the House for first reading, which represents the introduction of the bill. At second reading, the bill is in draft form, and every member may debate the bill for up to 20 minutes. After this reading, the bill is referred to a standing committee, of which there are eleven. Committee members are chosen from parties on a proportional basis. Committees meet as the need arises (e.g. as a group of bills have passed second reading), and they convene while the House is in session. The minister who presented the bill is at the committee meeting to answer specific questions about the bill, and the discussion is led by the committee chair. At this point, any citizen, academic expert, or NGO representative can voice his or her opinion, in an oral or written presentation, to the committee. Knowledge of the pending legislation can be found in public notices, as well as in the daily press coverage of the legislature. This also allows opposition members an opportunity to voice their opinions about the bill, or even to delay its passage. Committees often meet late into the night and on weekends in order to complete public hearings.

When the hearings are completed, the committee reads through the draft bill line by line, clause by clause and can make any amendments. The bill then comes back to the House and is presented by the committee chair for the third (final) reading. As Canada is a constitutional monarchy, bills do not become laws until they have Royal Assent, meaning the signature of the Queen. Upon the bill being signed into law, the cabinet adopts regulations (as needed) and then provides funds for the implementation of the legislation.

Aubrey Mokoena
Member of the South African Parliament and Chairman of Committees

As Chairman of the Committees in the South African Parliament, I have three specific functions: assisting the Speaker in presiding over the Parliament; handling the scheduling of committees; and, handling the functions of committees (e.g. visits abroad, bringing in guest speakers, etc.). The Parliament created my position because it felt the need to devolve some of the powers away from the Speaker, an important step for a transitional Parliament.

Committees are the valve that regulates the pressure from the public. They also have a critical function of overseeing the executive. In South Africa, there are four types of committees, including standing (permanent) committees, joint committees, ad-hoc special committees, and commissions organized to investigate a particular issue. After the cabinet is formed, the parliamentary leader calls for the formation of committees, of which there are 25, each with approximately 25 members. When committees first convene, they choose a chairman, who is usually from the majority party, except in the case of the Public Accounts

Committee, which is chaired by a member of the Opposition.

The first stage of the legislative process entails the creation of a Green Paper, the document which reflects the opinions and proposed policy of a certain ministry. The next stage is the development of a White Paper, which represents presents a proposed law, based on input from the committees in response to the proposal of the Green Paper. When the bill is ready to be presented in Parliament, the minister will present it, then the speaker asks each party if there are people who wish to speak about the legislation. The speaker then puts the bill to vote, and if there is popular support, and the bill is approved by a vote of the Parliament, it is sent to the president for a signature.

Questions and Answers

Adoption of Laws

One Council Member asked if in the United States, the President can refuse to adopt a law. Mr. Shannon stated that the President does have a veto power, but his veto can be overridden with a two-thirds majority from the Congress. With this majority, a bill does not need the president's signature to become law.

Another member asked about what happens if the President neither signs nor vetoes a bill after a certain time, and Mr. Shannon noted that it becomes law (within ten days, Sundays excluded) if the President fails to sign it.

Ms. Benda commented that in the United States, lobbying groups, including NGOs, have strong influence on legislation at all stages of the process. These groups can meet with all committee members, and can have a significant influence in helping or in preventing bills from being passed. One reason lobbyists are influential is that they can contact and mobilize constituents to support or oppose legislation; this tactic is particularly effective when implemented while a bill is before a committee, where individual committee members can both be influenced, and influential. Moreover, these outside groups have the opportunity to draft bills for members of Congress to consider introducing, a role for NGOs that may well be unique to the American system.

Nomination of the Speaker

A PLC member asked about the process of electing the speaker. Ms. Phillips responded that in Canada, the Prime Minister or Premier puts forth the nomination, and then the entire House votes on it. The chairs of committees are also nominated by the Government (executive). Mr. Shannon stated that, a very basic point on which everyone should focus, is that in the United States, the legislature and the executive are very separated, and the President has nothing to do with the election of the Speaker of the House of Representatives; the House elect their Speaker, without nomination or any role of the

executive.

Tenure of the Speaker

A question was asked the about the duration of the speaker's term, and whether a speaker can be impeached. Mr. Mokoena responded by stating that in South Africa, Parliamentary terms last for five years. He added that recently, at the halfway point of the current parliament's term, an internal evaluation was conducted: all members received questionnaires and were asked to evaluate the performance of the speaker, committees, etc. As the South Africa legislature is new, and does not have a lot of experience in nation building, this evaluation, and being able to realistically assess ourselves, he said, was very important.

Ms. Phillips noted that the speaker in the Canadian system is in office for the duration of the legislature. If any member feels that the speaker is incompetent, he or she can put forward a motion of no confidence. Members can also oppose a particular ruling of the speaker, acting as chair of the plenary session, but that does not mean that they wish the speaker to resign.

Mr. Shannon commented that the Speaker of the House in the U.S. is elected at the beginning of the session, for the duration of two year session, but there can be a motion to have him removed. The speaker is very likely to be re-elected by a vote of the House if the same party remains in the majority after the election.

Drafting Legislation

A member asked how the Council, after submitting a bill, can summarize the discussions and put them into the final draft. Ms. Benda noted that in the US House of Representatives, a bill is presented on the floor, and if there are amendments supported by the majority, the bill is changed. Mr. Shannon added that the text of a bill comes from a committee. The committee is likely to have amended the bill before presenting it to the House, but if there are any additional proposed amendments, they are printed and presented to all members. The Congress then discusses potential amendments and votes on them. The bill is changed if an amendment receives a majority vote.

Another member asked how the PLC should deal with 20 different people presenting amendments in the plenary session. In contrast to other systems, the lack of a party structure in the PLC makes this process difficult. Mr. Shannon responded by stating that in the United States, a special committee, called the Rules Committee, determines which amendments can be discussed, as well as the duration of the discussion on each amendment or on the bill as a whole. Therefore, if more than one Member of Congress wishes to present the same amendment in a different way, it is the Rules Committee that will decide which of the amendments will be allowed for consideration. Sometimes, however, a bill will be presented

at the plenary (floor) without limitation on the number of amendments to be proposed.

Ms. Benda noted that most of the amendments on a bill occur during committee meetings, because committees are viewed as experts, and it is known that committees have taken the views of experts, NGOs, etc., into considerations in drafting the legislation. From a lobbyist's point of view, if you do not make known your position while the bill is still in committee, there is little chance of the position prevailing in the floor debate. In other words, the committees generally have the determinate voice in shaping legislation, as compared to the role of the full chamber in the plenary session.

Ms. Phillips commented that in Canada, once a bill is sent to committee, the government in charge of formulating legislation will often accept committee's amendments, which reflect the point of view of experts, etc. Thus, the committee stage, like in the United States, is the critical time for amending legislation.

The Role of Committees in Oversight of the Executive

Sunday, December 15, 1996
Morning Session

James Shannon
Former Member of the U.S. House of Representatives

The question of oversight is key for a parliament trying to establish its authority; in a system with a separation of legislative and executive branches, this balance is very important. The notion of the "struggle" between the executive and legislative branches of government in the United States is overstated; in reality, there needs to be cooperation and respect between the two branches, and oversight is a way to address this. In the United States, the oversight function is reinforced and strengthened by the budgetary power held by the legislative branch over the ministries: an agency must be responsive to committees, or it risks losing its funding.

Oversight is not limited to examining issues within a committee; rather, committees often bring in outside experts to answer questions regarding the policies and operation of the executive. With regard to this question of oversight, the executive will realize over time that it is accountable to the Council. This does not mean, however, that the executive is always cooperative with respect to oversight.

Effective oversight, however, requires significant resources (i.e. committee staff, research capabilities). In the United States, there is great reliance on outside groups--such as NGOs -- for gathering resources and assisting in this oversight process. As the PLC faces limited resources, in terms of staff and research capacity, it should call on the resources of Palestinian NGOs, academic research centers and civic groups for input in the legislative

process.

Finally, I want to emphasize that the relationship between the PLC and the executive should be characterized by respect and cooperation. But, in those cases where the executive fails to show adequate deference to the legislature, you must use the tools of oversight and outside resources to maintain accountability.

Aubrey Mokoena
Member of the South African Parliament and Chairman of Committees

Legislative committees are the eye that oversee the executive and the constituency. In South Africa, we have seven specific measures that committees employ to oversee the executive; these measures rely on the cooperation of the executive, but are backed by the need for the government to maintain support from the Parliament. Without the support of the "back-bencher," in other words, the government would fall.

The oversight functions in South Africa are as follows:

1. Parliament, not the executive, is the supreme governing body.
2. A committee has the power to reject a government introduced bill if it disapproves of it.
3. The appropriations process determines the funding amounts for each ministry; if a bill is not funded, the prime minister can be subject to a vote of no confidence from the president.
4. A committee has the right to invite any minister to a meeting to discuss pending legislation.
5. More forceful than an invitation, a committee holds the right to subpoena ministers to meetings.
6. The president and members of parliament are evaluated in a performance appraisal by other members of the parliament.
7. The party caucus within parliament provides an opportunity for any member of the party, regardless of his position in the parliament, to voice an opinion about legislation or about a minister.

Myrna Phillips
Former Member and Speaker of the Manitoba Legislative Assembly

For oversight of the budget in Canada, we have what is known as the "process of estimates," where the opposition poses verbal questions on each spending item. These proceedings of the legislature are recorded verbatim and made available to the pubic and the media--even those of the executive who meet privately. Also, all opposition parties receive copies of executive orders, including any regulations passed by the cabinet. These public documents, representing open information about the budget, means that members of the

Opposition can question the Government on any issue. An important component of oversight called "Question Period," a time allotted daily during which members can ask ministers questions about their policies and these "Orders in Council". The press attends every "Question Period" session, indicating that oversight is deemed important to the public as well.

Another mechanism of oversight is the Office of the Auditor General (or the Provincial Auditor at the provincial level). These offices are held in very high regard. While they technically report directly to the legislature, not to the executive, they function independently. These offices examine the financial records of all of the ministries and make recommendations to the legislature. If a minister is found by the Auditor not to be spending money in accordance with legislation or as directed by law, this is considered to be a very bad mark of confidence for the government. The independence and neutrality of the office of the auditor, therefore, is considered to be very important, and is a critical tool of executive
oversight.

Questions and Answers

Overseeing the Executive

A member asked about the mechanism for oversight of the president (or the prime minister) in the various systems. Mr. Shannon commented that in the United States much more deference is shown to the president than a cabinet minister. The American president is protected by "Executive Privilege," which means that he can consult with advisors on decisions, and those deliberations are private--neither the President nor his advisors need to respond to Congressional inquiries about those discussions. However, this privilege does not fully protect the President--the Congress can hold hearings to inquire into the President's actions. In the event of such a hearing, however, although his top advisors might be called to do so, the President never testifies before Congress. Ms. Phillips noted that in Canada, the prime minister can be questioned every day during "Question Period." She also commented that in the Standing Orders of the PLC, there is the provision for a 30 minute question period each day. Mr. Mokoena stated that in South Africa, one hour every Wednesday is set aside for the Opposition to pose questions to the Deputy Speaker.

The "Rewording" Committee

A member asked whether other legislatures had "rewording committees." Mr. Shannon stated that in his opinion, the practice of the PLC's rewording committee is very dangerous, because it puts too much power in the hands of people who do not necessarily understand the legislation. In addition. it means that significant changes in legislation are made at the end of the process, by a very small number of members, and are not subject to serious consideration of the full membership. A better idea, he proposed, is to seek advice from a

legal staff as the legislation is being drafted and amended. This process would ensure that when the Council considered a bill, it is reviewing a draft that reflects the judgement of the legal experts. Ms. Benda commented that she was not aware of the existence of a rewording committee in any other legislature.

Presenting Legislation

A Council member asked if whether the speaker determines if and when bills are scheduled for plenary consideration in the three legislatures represented by the international panelists. Mr. Mokoena noted that in South Africa there is a program committee which determines the business of Parliament for the next week, and it is this committee that decides when legislation will be debated. The speaker keeps the order of the Parliament, while the Leader of the Houses the coordinator of the pending legislation.

Ms. Phillips stated that in Canada, it is the responsibility of the government's leader in the House (a member of the executive designated by the premier) to decide what legislation will be discussed, and it is the speaker's job only to abide by the agenda determined by the Government (executive branch). She also emphasized that the speaker, after his or her election, becomes politically neutral, retains party affiliation, but never attends party caucuses or cabinet meetings.

Mr. Shannon commented that in the U.S. system, the speaker schedules discussion of legislation and communicates with committee chairs as to when legislation will be discussed. As in Canada, the speaker would never attend a cabinet meeting; this would be a direct violation of the strict separation of powers set forth in the U.S. Constitution. However, if the President wants to discuss matters with members of Congress, he will invite them to the White House. The President does not have the right to tell the Congress to discuss certain issues on certain issues. It the President and the Congress have a similar interest, then Congress will address that right away, but the President cannot force consideration of a bill.

The Basic Law

One member asked if it is possible for the Council to adopt other laws before the Basic Law is adopted. Mr. Mokoena responded in the affirmative, commenting that during South Africa's transition, the constitution would take a year to draft and that it was agreed that the Parliament would be fully empowered to legislate during the interim. Thus, other legislation was necessarily passed before the new constitution was adopted. Mr. Mokoena also said that "natural law" and "common sense" supported the notion that an elected legislature should pass laws while the constitution was under consideration.

Separation of Powers

Noting the separation between the legislative, executive and judicial branches of

government, a member asked if it is possible for someone from the legislature to also serve in the executive. Mr. Shannon responded by stating that in the United States, there is strict separation, so no member of Congress can be in the cabinet. For the PLC, the situation is different because some of the Ministers are from the Council, which is more similar to the British system. In addition, members of Congress generally cannot serve in any capacity in the executive branch, as advisors, for example, because this would be a breach of the separation of the legislative and executive branches.

Ms. Phillips noted that in Canada all ministers are members of the legislature. As for other positions, legislators cannot serve in the civil service. However, there are some, narrow exceptions. For example, in some quasi-governmental agencies (e.g. the phone company), members of the legislature sit on the board of directors. In this case, the member looks out for the interests of the government, but would never serve as an employee of that company.

Oversight Responsibility

Another member commented that there are two mechanisms whose functions relate to oversight, and monitoring of the Government, one in the legislative branch and one within the executive branch, and asked whether their functions were redundant and/or needed to be coordinated. Ms. Benda responded by commenting that the PLC's Human Rights and Oversight Committee apparently has the responsibility to ensure that the Government spends money properly, and the government has its own mechanisms for internal accountability. In Ms. Benda's opinion, this should remain separated from the legislature. In the United States, in addition to Congressional oversight (provided by the committees), the executive has many of its own internal controls. For example, every government agency has an inspector general who is responsible for accounting the agency's spending and the proper behavior of its employees.

Mr. Mokoena noted that South Africa has an independent "Office of the Public Protector," serves the function of an ombudsman, or watchdog. The Public Protector is not chosen by the executive, but rather is elected through a parliamentary panel. He is independent of the government and has the authority to investigate complaints of government misconduct and government spending.

Foreign Relations

A Council member asked whether there exists a role for committees in reviewing and endorsing treaties, agreements, or contracts with foreign countries. Mr. Shannon responded by stating that in the United States, treaties and contracts are treated very differently. A treaty must be ratified by the Senate (not the House), but a contract would not require this--private contractual relations are not regulated by the Congress. With respect to foreign relations, the President has more power in this area than in any other vis-a-vis the Congress.

Continuing with this issue, another member asked that whether the legislature can review and oversee the government's contractual relationship with an outside entity (e.g an agriculture trade agreement). Mr. Shannon noted that this will depend on how much power is given to the president in the Basic Law. Progress on treaties can be monitored through oversight. An important point to note, therefore, is that oversight is not just for investigation purposes, but is also used on a regular basis to track progress on laws and treaties.

Dissemination of Information from the PLC

A member asked about the types of procedures the PLC can implement to disseminate information from and about the Council. Mr. Shannon emphasized that making information available to the public through the press is important, particularly at this early stage of the PLC's development. Therefore, he argued that to the extent possible, everything -- including committee meetings -- should be open to the public. If you do not maintain public support, he warned, people will lose confidence in the Council. Mr. Shannon asked: "How will Palestinians think you are important if they do not know what you are doing?" Therefore, the Council needs to be as open to the media as much as possible, and for the media to have the information that tells them exactly what the Council is doing. For example, the Washington Post, has a box -- every day -- that lists all the Congressional committee hearings, including the topic of the hearing, and the room and time during which the hearing will be held.

Mr. Shannon also emphasized something he deemed particularly important to the Palestinian case, which is bringing the work of the PLC to the people. He noted that it would be very useful for committees to hold their meetings throughout the West Bank and Gaza, and to invite outsiders, members of the community, so that people have the opportunity to see the work of the Council first-hand.

Ms. Phillips further stressed the importance of dissemination of information, noting the critical importance of a daily verbatim record for the PLC. If a Council member gives a good speech, he/she should send copies of the speech to constituents, NGOs, etc., to show them that their issues are being addressed. She also noted that the this Record can be used to circulate a minister's response to a speech.

Ms. Benda noted that in the United States, the Congressional Record includes the record of votes, something very important to members and constituents. As there are not strict partisan lines regarding voting on particular issues, it is important for voters to know how representatives vote on different issues -- because the PLC does not have parties and disciplined voting, a record of votes would be useful for the PLC and the Palestinian electorate as well. Ms. Benda noted that the PLC Standing Orders require that all verbatim records of Council meetings be published daily, and that it might be in the interest of PLC members to ensure that this obligation is implemented.

Mr. Mokoena commented that there is a tendency for the public to distrust officials, so it is very important to maintain direct access with constituents. These published records, he noted, serve as supplements to direct access.

At an informal lunch gathering with several of the members, the topic of encouraging public participation in the legislative process was discussed further. Again, the point was stressed that committee members themselves do not have to be experts on every topic of legislation, and that the reliance on outside experts could prove extremely useful, as in other systems. The international participants strongly encouraged the committee members in attendance to push forward issues that could include the convening of a public hearing.

The members noted that the work of the committee staff is mostly clerical and administrative, so they are not involved in research or advisory tasks. The internationals emphasized that the work of the committees would be greatly facilitated if the staff developed these other capacities.

Meeting with Committee Staff in Gaza City

December 16, 1996

Ms. Benda began the discussion with a description of some of the types of legislative programs that NDI undertakes around the world, and what the project with the PLC will include over the next fifteen months. She summarized the workshop presentations and observations, as well as the discussions with the members. She noted that in the United States, the staff of the Congress and its committees really are "the engine behind the machine," and commented that the effectiveness of the PLC members may depend on how much they will utilize their staff. That the PLC staff does not have a cleanly defined role, she noted, can be seen as an opportunity or a challenge for the staff.

The staff described what their jobs entail, and noted that most, if not all of their work is on an administrative level. Tasks of the staff include the taking of minutes at committee meetings, which are then summarized for the speaker. At one of the earlier sessions of the PLC, the members decided to summarize minutes of plenary sessions, rather than publish verbatim transcripts. The staff reported that the summaries are distributed to PLC members, but transcripts are saved as well. When asked if votes were tracked, the staff said that they were.

Ms. Benda noted that in other legislatures, there is a daily record, the draft of which does not need to be cleared by the speaker. Minor changes can be made by members before these are published (e.g. grammar or stylistic changes, not changes of context or ideas), but these transcripts are not a summary. Responding to this, one staff member noted that there is a particular way by which the speaker can make any amendments to the notes, but that the content and context cannot be changed either.

When asked by the internationals if the work of the staff entails an advisory role to the members, the overwhelming response was "no," and that their work was much more of a clerical nature. While the responsibilities of the staff differ to a certain extent depending on the committee, none of the staff work on policy issues with the members. When asked if they can make suggestions to members regarding policies or legislation, the staff answered that this is not in their realm. Some noted that in the beginning months of the PLC, they thought they would have these responsibilities, but they have come to the conclusion that their role is purely administrative.

Mr. Shannon asked if members ever ask the staff for more information about a topic before they make decisions. Some staffers responded affirmatively, while others feel that this will only happen once more time has passed, and once the PLC is more established.

The PLC staff expressed a keen interest in learning about the committee staff in other systems. Mr. Shannon described his experience as a member of Congress, commenting that the current responsibilities of the PLC staff, including the recording and filing of minutes, is a critical task. At the same time, however, he expressed his hope that the tasks of the staff would grow. Based on his experience, he noted that advice from staff can be very helpful to members, and that the PLC will be effective only if the committees and their staff are effective. As members have many responsibilities, and cannot spend a lot of time researching issues and contacting outside NGOs, universities and the like, this is an area in which the staff can work. In the United States, he noted that some committee chairs work closely with the staff, while others do not at all, and that building the trust of the members is critical. He suggested, however, that this will only happen if the staff themselves take the initiative and show the members that they can develop the capacity to be helpful to the member.

Ms. Benda noted that one of the themes that emerged from the workshop was the amount of time spent in the PLC committees handling complaints, and that this is not the case in other systems. Ms. Phillips commented that in the Canadian system, committees handle policy issues and legislation, and never focus on individual complaints within committees. Instead, individual complaints are handled by individual members and their offices. Mr. Mokoena commented that many of the challenges facing the PLC are similar to those faced by the Parliament in South Africa, another young legislative institution. He outlined the functions of the committee staff in South Africa, which include: assisting in the drafting of the agenda and taking the minutes of meetings; sending notices to members announcing the convening of meetings; overseeing all of the preparations for the holding of a hearing; handling outside correspondence, as well as conducting research.

Ms. Benda noted that the responsibilities of the committee staff in the US system differ greatly from the South African model. She commented that the primary responsibility of the staff is to produce research and substantial information, as well as design the agenda--in other words, they really represent the substantive input within the committee. She

concluded by noting that in the discussions with PLC members, emphasis was placed on encouraging members to look to the staff and other members of the community for advice and support.

Evaluation

The enthusiasm of the Members was apparent from the questions asked and the discussions generated, and requests for further information. Questionnaires were distributed to the workshop participants at the end of the workshop, where, among other things, participants were asked to assess what they found most and least useful from the workshop, what other topics could have been addressed, as well as suggestions for future NDI workshop topics.

The comparative focus of the workshop was well received by Members. In terms of the relevance of other systems, Members responded very positively to the sessions that discussed the role of committees in the legislative process, and in oversight of the executive. Members also appreciated the discussion on the mechanisms of committee hearings and the investigative functions of committees.

In addition to what was covered in the workshop, Members expressed an interest in learning more about how committees can coordinate with each other, and in acquiring more information as to how committees can conduct oversight of the executive, particularly with respect to the implementation of laws. Also expressed was an interest in better overall methods of communication between the legislature and the executive. In planning on-going activities with committees, NDI is taking these suggestions into account.

When asked what future topics Council members would like to see in workshops, Members responded that they wish to learn more about experiences of other new legislatures, the relationship between the legislative and executive, constituency relations, how to draft legislation, time management, how Members can develop strategies and lobby around certain issues as well as pressure the executive, and how to organize and draft the PLC's agendas. NDI intends to address many of these issues through future workshop topics and other project activities.

Members were also asked about their views of NDI activities in general, for the purpose of helping to direct future activities in the PLC program. Many members expressed the desire to visit other parliaments, in order to gain comparative knowledge first-hand. Another idea mentioned was viewing videos of other legislatures, as part of the on-going consultations with members on workshop topics.

Many of the comments and suggestions raised by the Council members are consistent with the conclusions raised in our previous assessment and discussions with Members, and will continue to inform our activities with the PLC. Suggestions for future workshops included: plenary procedures, legislative--executive relations, executive oversight, and the

budget process. Another proposal was to convene a workshop for NGOs and the PLC. Plenary proceedings and legislative executive relations, for example, have already been designated as the next two workshop topics that are envisioned in NDI's program.

Follow-on Activities

In addition to continuing to respond to requests for information and consulting with Members, NDI will soon begin a pilot program with the Economics Committee, and hopefully one other committee as part of a follow-on activity designed to develop ways to implement some of the suggestions and recommendations generated by the workshop. In particular, this project will focus on how to convene public hearings, and to design effective mechanisms for handling constituent complaints. NDI staff will attend Economic Committee meetings, (now open to the public) due to a decision made by the committee immediately following the NDI workshop, in addition to the plenary sessions, to continue consultations with committee members.

In March 1997, NDI will hold a workshop on the plenary procedures, followed by a study mission in April, most likely to South Africa. It is envisioned that this study mission will focus in particular on the role of committees and plenary procedures, so as to reinforce issues discussed in the two workshops through the viewing of another transitional legislature first-hand.

APPENDIX B: ORGANIZATION OF THE PARLIAMENTARY SESSION

Terms of Reference
Workshop Agenda
Biographies of International Participants
Program Report
Binder of PLC Standing Orders
Arabic Parliamentary Procedures Wheel

cleavages, which often means that members spar with the Speaker, rather than with members of differing parties. Related to this point is the need for and importance of members strategizing with each other on issues of common interest.

As soon as you receive this book, please be sure and read this terms of reference and review the workshop agenda, both of which should help you organize your presentations AND suggest documents to bring with you. It would be of invaluable assistance if you would bring any materials that demonstrate the operations and recordings of plenary procedures in your legislature. If possible, multiple copies of difficult-to-copy documents would be greatly appreciated. We will do our best to translate and/or reproduce the materials that you bring. We will also have an overhead projector available for you use, should you need one.

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To provide Council members with comparative examples of plenary procedures, including standing orders.

2) To interest members in adapting methodology from other legislatures to enhance the organization of the plenary procedures.

3) To enhance the capacity of the PLC to understand their own Standing Orders, abide by them, and increase the efficiency of the plenary.

4) Ultimately, to increase the sense among Members that they can affect what occurs in a plenary session.

III. PROGRAM ACTIVITIES

A. Briefing and Preparations

Accompanying this agenda is a draft workshop agenda. When you arrive on March 11 (??) we will meet you at the airport and take you to Jerusalem where you will check in at the Ambassador Hotel (telephone 972-2-532-3532 or 582-8515/6; fax 972-2-582-8202). Before we begin the workshop, we will provide you with two days of briefings on the political context and the PLC that will include visiting a session of the Council, and meetings with NDI staff, Palestinian political leaders, journalists, and representatives of NGOs. We also hope to provide you with some (unfortunately, limited) time to see Jerusalem.

We will also schedule time during Thursday and Friday for an in-depth discussion of NDI's experience with the PLC and our objectives with this program. We would like to meet as a team to plan the workshop. The agenda in your briefing book will serve as a general guideline that we

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MEMORANDUM

TO: **International Participants**

FROM: **Myrna Phillips, NDI Director of Assistance Program to the Palestinian Legislative Council**

DATE: **February 6, 1997**

RE: **Terms of Reference for workshop with the Palestinian Legislative Council on "Organization of the Plenary Session: Balancing Democracy and Efficiency"**

I. INTRODUCTION

Thank you for agreeing to participate in NDI's workshop: "Organization of the Plenary Session: Balancing Democracy and Efficiency" being conducted for the Members of the Palestinian Legislative Council (PLC or Council). The workshop will be held in Ramallah/Gaza?? on March 15-16, 1997.

The PLC was elected January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self Governing Authority in accordance with the Declaration of Principles (signed September 13, 1993) and the Interim Agreement (Oslo II, signed September 28, 1995).

The Palestinian Legislative Council has been meeting regularly since its inaugural session on March 7, 1996. Although the Council has made substantial progress in the initial eleven months of its existence, it continues to struggle to have a more significant impact on the legislative process, a more important role in overseeing the activities of the government and a more visible and positive image with the public.

While the Council passed Standing Orders in the early months of their existence, it is clear that there is a need for greater organization and efficiency in the plenary session, as well as greater adherence to the Standing Orders. It is hoped that this program, in focusing on the importance of process and precedent in a legislature, will simultaneously address the importance, both political and strategic, to legislators of knowing the rules, and the importance of a legislature in a new democracy in being a model for rule by law.

It is hoped that the program, with your participation, will also emphasize how to organize the plenary in the absence of a party mechanism. The PLC is not characterized by distinct party

Working to strengthen and expand democracy worldwide.

The 89-member Palestinian Legislative Council (88 members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council members with a substantially revised set of Standing Orders, which were adopted after a long and, at times, acrimonious, 14-hour meeting. (See NDI Assessment Report, May 1996).

Subsequently, on April 4, the Council voted to accept the list of the members of the Council's eleven committees. In accordance with the Standing Orders, members requested their committee assignments (a maximum of three) and the Speaker, after negotiations, presented the lists for Council approval.

The Council has been meeting regularly, except for a summer recess in August, on Wednesdays and Thursdays of each week. Their meetings alternate between Ramallah (West Bank) and Gaza City, although since the summer, most of the meetings have been in Ramallah. The Council committees generally meet on Mondays and Tuesdays.

The Council's first task, after adopting its Standing Orders and establishing its committees was to adopt a Basic Law, or constitution, for the Interim Period, *i.e.* until final status negotiations are completed (scheduled for 1999). The Legal Committee of the Palestinian National Council (PNC), which is the PLO's legislative arm, had published the Fourth Draft in January, 1996. Before adjourning for the summer recess in August, the PLC adopted a revised version of the Basic Law. (NDI organized a workshop for Council members on the Basic Law in May, 1996).

The Council had taken up a draft presented by its Legal Committee, debated the draft article by article, submitted it to a special "rewording committee" and subsequently adopted that committee's draft. The Council called this process the "first reading" and sent its revised version of the Basic Law to the Palestinian Authority for comment. In discussions with members of the rewording committee about the process, NDI found that the committee members (as well as other colleagues) are not troubled by this process; they find it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. To date, the executive has not commented on the Council's draft and Council members, including the Council leadership, continue to raise concerns about the executive's inaction.

In the course of the Council's summer-long consideration of the Basic Law, it became evident that the PLC did not have an effective procedure for considering and adopting amendments to legislation, nor did it have a process for organizing speeches in plenary session. These problems can be attributed to several sources: first, the Speaker does not enforce the Standing Orders. For example, he is notorious for participating at length in Council debate without first vacating the Chair (*Standing Orders*, Art. 5). Second, the Council's rules are sometimes overly vague and/or unenforceable. For example, Art. 34 prohibits speakers from repeating any point made by any other members, and arguably unenforceable rule. Vague rules, such as the absence of time limits for speeches, also add to Council inefficiency and members'

can modify on the basis of the briefing meetings and as we piece together our collective experience. We hope that Council members will be forthcoming in their questions to ensure that they obtain relevant and useful information from this workshop.

While some Council members speak fluent English, others do not. Therefore, our program will be conducted with the assistance of consecutive interpreters. We will schedule time before the program begins to practice with the interpreters, and we will ensure that they are available during meals and breaks to help with individual conversations. Please avoid using idiomatic or otherwise difficult-to-translate language in preparing your discussion outlines and making your presentations. (See enclosed NDI publication, *Tips for Training*).

B. Plenary Workshop

On March 15 and 16 you will be meeting with PLC members to discuss the different mechanisms of plenary procedures in your legislature. The draft agenda is designed to address the various key aspects of plenary procedures, organization and efficiency. We will do our best to provide you with the background information necessary for you to have a sense of your audience and, hopefully, an ability to draw attention to those practices and rules applicable to your legislature that may well be of utility to the PLC members.

As indicated in the attached agenda, the workshop will consist of short presentations from each of the international participants, followed by questions and answers and general discussions with the PLC members. We ask that you limit your presentations to 10-15 minutes and speak slowly and clearly so that the translators will be able to convey your presentation. We have also planned three workshops in which we will ask you to lead smaller group sessions in which Council members will focus on more specific issues relating to the plenary. In addition, we planned to have a workshop/role playing activity in which Council members will be asked to address scenarios designed by NDI staff that are intended to provide an opportunity to those members to apply and implement the ideas discussed in the panel presentations, workshops, and discussions.

IV. BACKGROUND

A. Palestinian Legislative Council: A Brief Background

The Palestinian Legislative Council faces unique challenges and is of enormous potential importance to the prospects for democracy in the West Bank and Gaza. As discussed in the *NDI Assessment of the Palestinian Legislative Council* (May 1996, enclosed) the unique circumstances include: the basis for the PLC is an agreement between the Israeli government and the Palestinian Liberation Organization (PLO); the Council does not represent a nation state and is a legislature of limited jurisdiction; this is the first elected body to represent Palestinians living in the West Bank, Gaza and East Jerusalem; and, Israel has a significant degree of control over the lives of the electorate represented by the Council. In addition, while peace agreements have been signed, the political situation remains tense.

constitutional provisions.

Since that time, NDI staff in Jerusalem has continued to attend Council meetings and to provide assistance on specific topics, as requested. For example, in response to the apparent disorder in the PLC's process for consideration of the draft Basic Law, in early August 1996 NDI drafted a memorandum setting forth procedures for plenary consideration of legislation in Australia, Great Britain and the United States, which was distributed to key actors including the Speaker (Tab ??? in briefing book).

In October 1996, NDI obtained a grant from the United States Agency for International Development to provide a 16-month program of support to the PLC. The project, focusing on strengthening the legislative capacity of the Council, is based on a series of workshops relating to legislative issues, including this one on plenary procedures; ongoing consultations with Members and responding to requests for information and assistance; and, study missions to foreign legislatures for a select group of Council members.

In December, 1996, NDI convened a workshop on committees. Approximately 25 committee chairs, rapporteurs, and other interested Members attended the workshop. International participants included Mr. Jim Shannon, former member of the U.S. Congress and Aubrey Mokoena, member and Chairman of the Committees of the South African Parliament. The workshop focused on three particular aspects of committees: their role in drafting legislation, in encouraging public participation in the policy-making process, and in conducting oversight of the executive. A report from this workshop in located in Tab 9 of your briefing book.

In the period since the workshop, NDI has conducted on-going consultations with committees, and plans to begin a pilot project with the economics committee, and hopefully one other committee, focusing on some of the issues generated from the workshop.

2. Civic Forum

In September 1995, NDI began *Civic Forum*, a civic education program designed to raise awareness among Palestinians about their rights and responsibilities in a democratic society so that they can become better informed and more active citizens. *Civic Forum* engages a broad cross-section of Palestinians in a continuing series of moderated discussions that enable participants to examine universal ideas about democracy and the Palestinian political transition. NDI organized *Civic Forum* after conducting focus groups and consultations with Palestinian educators, community activists, local and national leaders, and prospective voters. The program has been modified continuously, incorporating Palestinian recommendations about its structure and content.

In the current program, 22 NDI-trained Palestinian moderators conduct monthly civic education discussions with at least 20 groups in cities, villages and refugee camps in the West Bank and Gaza Strip. The participants of every group comprise a diverse cross-section of local

frustrations. Apparently reflecting the absence of political parties in the Council, the rules allow all members to speak in the order in which they request to do so (*See* Art. 26).

The plenary sessions of the Council remain characterized in this manner, and the increasing frustration among members is quite apparent. It is not uncommon, for example, for the Members to spend close to one hour or more of a three-four hour plenary session discussing the composition of the agenda. Indeed, both the setting of and abiding by the agenda is challenge for the PLC; we hope that this workshop will provide the opportunity for PLC Members to become familiar to this process in other systems, so as to improve the efficiency of their own sessions.

B. NDI's Work in the West Bank-Gaza: A Brief Summary

1. Summary of NDI Programs with the PLC to Date

NDI organized an assessment program from March 4 to April 10 in order to evaluate the obstacles and opportunities before the Council. The assessment included a report on the Council's needs for outside assistance and the plans of different donor organizations. In response to requests from individual members, the assessment team also provided consultations and documentary support for the temporary Legal Committee, which was considering draft Standing Orders while the assessment was taking place. The assessment team included former Canadian MP Ross Reid, as well as NDI staff Susan Benda and Kevin Johnson. The team met with 22 members of the Council from March 7-20 as well as with journalists, civic leaders, academics, and representatives of other donor organizations. We subsequently met with other Council members, attended almost all Council sessions, and in response to requests from members, provided consultations and/or materials on a variety of topics.

During the assessment, NDI had the opportunity to hear the Council members' visions of the Council, their sense of individual and collective priorities and the obstacles and opportunities that the Council as an institution faces. Most of the Council members consulted stated that a first institutional priority was the adoption of a Basic Law, and that the Basic Law would be a key indicator of the Council's democratic potential. Today, Council members continue to refer to the need to adopt a Basic Law in order to address other important, pending matters.

NDI convened a workshop on the Basic Law in May, 1996. The international participants attending that program included a Jordanian attorney with constitutional expertise, the former Chairman of the Judiciary Subcommittee on the Constitution of the U.S. House of Representatives, the current Chair of the Hungarian Parliament's Judiciary Committee, a former French National Assembly member who is currently legal advisor to the Prime Minister, and a former Canadian MP who participated in Canada's constitutional amendment process. The program provided a forum for Council members to speak with experienced legislators about constitutional issues, particularly issues relating to executive-legislative relations. The international participants led discussions on constitution writing, options for creating a proper balance between the legislative and executive branches for ensuring implementation of

Palestinian society and reflect the political tendencies present in their community. Thus far, the program has addressed such topics as: *Individual Rights, Rule of Law, The Palestinian Electoral System, The Relationship Between Candidates and Voters, The Relationship Between Representatives and Constituents, Constitutions, How a Bill Becomes a Law, The Role of the Media in a Democracy,* and *The Role of Political Parties in a Democracy.*

-Setting the Schedule
-Location, Dates
-Public notice

-Setting the Agenda
-Orders of the Day
-Routine Proceedings

-Distribution of agenda
-Time to prepare for debate
-Adoption of agenda
-Amendments
-"Matters of urgent public importance"

B. "Making Decisions"

-Standing Orders
-Parliamentarians / Clerks of the House
-Motions /Amendments
-Introduction of Bills
-Bill summaries: How can consistent and reliable summaries of pending legislation be made available. (intent, provisions)
-Voting Procedures.

C. "Recording Proceedings"

-Recording History

-Minutes
-Errors/ Omissions
-Adoption
-Circulation of minutes
-Publication of minutes
-Vote and Proceedings
-Record of Votes
-Responsibility to constituents.
-What can members gain?

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Organization of the Legislative Session
Balancing Democracy and Efficiency

Saturday, March 15, 1997

10:30 - 12:30 **Welcome and Introduction**
Overview NDI Local Staff

International Presentations
Keynote Address: "Setting Solid Precedents"

The Legislature as a Role Model for the "Rule of Law"
How does the Speaker organize, with members, Parliament's activities in a manner that balances democracy and efficiency?
What roles do each have?
How can each exercise their democratic responsibilities while effectively completing Parliament's work?
How important is it to set good precedents?

12:30 -1:30 **Lunch Break**

1:30 - 3:15 **Plenary Discussion: Issues and Questions on Rules from the Perspective of PLC Members**

3:30 - 5:00 **Video**

A Sample of procedures from the Australian Parliament to review and discuss for any useful application

8:00 **Dinner**

Sunday, March 16, 1997

9:30 - 12:30 **Workshops**

A. "Planning Ahead"

Plenary Workshop Agenda

12:30 - 1:15	**Lunch Break**
1:30 - 3:30	**"Putting Democracy into Practice"**
	A practical exercise in parliamentary procedures

the government caucus and was a member of the Industrial Relations and Law Amendments Committee. Ms. Phillips was Chairperson of the Manitoba Telephone System, on the board of Manitoba Government Employees Union, and has three decades of direct and indirect legislative experience.

Laura Abrahams

Laura Abrahams is the Program Assistant for NDI's legislative assistance program in the West Bank and Gaza. Prior to this, she has served in NDI's Washington office as a Program Assistant on Middle East projects. Abrahams has a Master's degree from Georgetown University's Center for Contemporary Arab Studies and is fluent in Arabic.

Reema Hamdieh

Reema Hamdieh is the Staff Assistant for NDI's legislative assistance program in the West Bank and Gaza. She has worked on numerous projects with NDI in the West Bank and Gaza. She is fluent in Arabic and English

Bassam Nasser

Bassam Nasser is the office manager for NDI's Gaza office. He works on NDI's legislative assistance program and on other projects in the West Bank and Gaza. He is fluent in Arabic and English.

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INTERNATIONAL PARTICIPANT BIOGRAPHIES

Berndt Ekholm

The Honourable Berndt Ekholm has been a member of the Swedish Parliament since 1985. He is a member of the Standing Committee for Foreign Affairs and he specializes in Middle Eastern and Palestinian issues. In the last 12 years he has served on Committees for Agriculture, Housing, Environment, and the Boards of the International Parliament Group, Museum of Natural History, and Institute for Research on Water and Air-Pollution. He is a member of the Social Democratic Party of Sweden, and President of the Christian Branch of the party. Prior to holding elected office, Mr. Ekholm was an architect and administrator.

Lana Gogoberidze

The Honourable Lana Gogoberidze is the leader of the majority party in the Georgian Parliament. In her second term as a deputy in the current parliament, Ms. Gogoberidze also served her country in past parliaments, including the Supreme Soviet, before Georgia's transition to democracy. She also served as the Chairman of the parliamentary faction of the Citizen's Union of Georgia. She has extensive experience in leading the negotiations in defining the agenda of Georgia's parliament, and on developing Georgia's first constitution. Most recently, Ms. Gogoberidze played a key role in passing the 1997 budget through extensive negotiation between the government and political parties.

Peter Milliken

The Honourable Peter Milliken is the Deputy Speaker of the Canadian House of Commons. He was first elected to the House of Commons in 1988, and re-elected in 1993. From 1993 to 1996 he was Parliamentary Secretary to the Government House Leader and he was elected as the Deputy Chairman of Committees of the Whole House in October 1996. He co-chairs the Special Joint Committee on the Code of Conduct and is a Councillor on the Canadian NATO Parliamentary Association. Prior to entering the House of Commons, Mr. Milliken was a lawyer in Kensington, Ontario.

NDI STAFF

Myrna A. Phillips

Myrna A. Phillips is the Director of NDI's legislative assistance program in the West Bank and Gaza. She served as a member of the Legislative Assembly of Manitoba, Canada from 1981 to 1988 and as Speaker of the Assembly from 1986 to 1988. Prior to becoming Speaker she joined

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INTRODUCTION

On March 15-16, 1997, the National Democratic Institute for International Affairs (NDI) convened a workshop in Ramallah on "Organization of the Plenary Session: Balancing Democracy and Efficiency." This document is a report of the workshop deliberations.

The Palestinian Legislative Council (Council, or PLC) has been meeting regularly since its inception in March 1996. While the Council adopted its own Standing Orders in the early months of their existence, PLC members and educated observers agree that there is a need for greater organization and efficiency in the plenary sessions, as well as greater adherence to the Council's Standing Orders. The goal of the workshop was to emphasize, from a comparative perspective, the importance (political and strategic) of legislators knowing and abiding by their rules of procedure, and thus having a fair and impartial way to conduct business. In addition, a new legislature should abide by its rules in order to set an example and be a model for the rule of law.[1]

Rationale and Program Goals

This workshop follows previous work undertaken by NDI to support the Council, which included an assessment and report of the first two months of the Council's operations, and a workshop held in May 1996, on constitutional issues raised by the draft Basic Law. NDI's current work with the Council, including this workshop and a December workshop on the Role of Committees, is part of a 16-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed to provide technical assistance through a series of workshops, materials, and study missions, as well as ongoing consultations to address different components of legislative development, including the role of committees, legislative-executive relations, constituency relations, and plenary procedures. Comparative legislative materials in Arabic are distributed to Council members during these workshops, and are also provided in response to specific requests from PLC members.

In addition to the workshop series, two study missions will be organized in which a select group of PLC members will visit other transitional legislatures.

The goal of this plenary workshop was to bring together PLC Members and a select group of legislators from other countries to discuss how to increase the efficiency of plenary procedures through greater adherence to the rules, and how the plenary can be organized in the absence of a party mechanism with greater emphasis on developing strategies on issues of common interest.

Twenty-two Members, including the Deputy Speaker, representing a regional and committee mix, attended the workshop. The cross-sectional representation of Members allowed for engaging discussions about plenary and committee deliberations.

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[1] The agenda for the workshop is included as Appendix A

To facilitate discussion and present models from other legislatures, NDI invited three international participants: Peter Milliken, Deputy Speaker of the Canadian Parliament; Lana Gogoberidze, Majority House Leader of the Georgian Parliament; and, Berndt Elkholm, Member of the Swedish Parliament. Myrna Phillips, Director of NDI's program with the PLC, served as chairperson of the workshop.[2]

NDI is thankful to all those who participated in the workshop and is hopeful that this report, including its recommendations and evaluation, will be beneficial to the development of democratic norms and procedures of the Palestinian Legislative Council.

EXECUTIVE SUMMARY

The agenda for the workshop on plenary procedures was organized to cover the following questions:

* How do rules establish and protect the legislature as an institution; and how knowledge of the rules is of political and strategic importance to legislators.
* How does a legislature plan ahead and efficiently set its agenda?
* What are the procedures for making decisions in a legislature?
* How are the proceedings of a legislature recorded?

Workshop participants discussed the questions listed above with the international experts. The first day served as an introduction and general discussion of the issues while the second day focused on three specific areas of plenary organization.

One of the themes that emerged from the workshop was the need for the PLC to establish a committee whose focus would be the setting of the long-term agenda, or work plan, of the Council. Members were very interested in learning about the structure and mechanics of such a committee from the international presentations.

The participants discussed the strategic and political importance of Members knowing the rules, as well as the tensions that naturally develop between a democratic and an efficient process, and how those are resolved. International participants also emphasized the need for solid precedents to be set by the PLC during this transitional time.

The importance of having a written record of Council proceedings was emphasized by the international participants to increase the transparency of the work of the Council and thus its accessibility to the public, as well as for historical purposes.

[2]Biographies of the international participants are located in Appendix B.

INTRODUCTORY REMARKS

The Honorable Peter Milliken
Deputy Speaker, Canadian Parliament

You are undertaking the very important endeavor of building democratic institutions in your country. I want to talk about the Canadian model and how it works. Each province in Canada has its own legislature, and there is a federal one too. Two very important functions of the parliament are: one, to create laws, and two, to provide a forum for discussion of important issues. However, there is a fundamental conflict between the two: the need to make decisions and create laws may be frustrated by the desire to discuss policy and legislation. A balance between the two must be found.

You need to be able to make decisions and provide a forum for debate between members. What represents a good balance in one system might not be in another: maybe our rules will not all work for you, but perhaps we can together develop rules that will work for you.

I want to explain how rules help us to run our legislature. First, there are rules relating to the agenda. These are very important because they allow the opportunity for members to choose which discussions they want to participate in, by knowing which issues are on the agenda, and planning to be present for that particular debate. This is important for relations with constituents as well; specifically, for citizens to know what members are discussing in parliament. Setting the agenda two weeks in advance also helps in relations with the media, particularly in terms of getting the issues out. Certainly, this also helps in getting members re-elected. With this system, a member can know, for example, that certain bills will probably be passed within a month or two.

In our legislature, there is a fixed time during which legislation is discussed. Having rules for setting the agenda helps in approving laws. We then know that a certain law, for example, will be issued in a month. Every parliamentary session has a time for debating legislation, and another time to discuss public issues on subjects chosen by members. In addition, there are MUPIs (Matters of Urgent Public Importance), and these are proposed to the Speaker, at least four hours before they are debated. This enables members to prepare and allows for orderly debate.

Another aspect of rules is that rules ensure participation. We limit the length of speeches, which ensures time for many speakers. Some people think this is a good idea. Secondly, we can extend the hour of adjournment so that we can sit late to finish the discussion of a bill. This assures that all members who wish to speak are able to do so. Some people don't think that this is a good idea, e.g., if every member is allotted 20 minutes, each one will use all of the time, whether she or he needs it or not. We also allow time at the end of members' speeches for questions and answers. Next, we allow members to make one-minute statements -- on any subject -- during a fifteen-minute period each session. These, while short, serve as useful opportunities for members to express themselves, allowing members to talk about an issue

important to them or to their constituents. Finally, there are forced votes (by the Majority) at the end of bills, as it is important for the legislature to make decisions. We sometimes use this because the Minority tries to extend debate in order to prevent decisions from being made.

Rules are very important and members plan their work around the rules. For example, if a member knows that a debate on a certain issue will occur on Monday, the earliest that a bill can be passed is on Tuesday. Thus, members can plan to be away on Monday, but come for the vote. For this to work, however, you must have everyone obey the rules, and it is up to the Speaker to make sure that this happens. Any rule can be changed or suspended by unanimous consent; for example, if a member proposes that the Council not meet on a certain day, this proposal can be agreed to unanimously. The Speaker has the right to call a special session, but he must get this approved by the executive branch.

Special Sessions

Question: Can members ask for special sessions?

Mr. Milliken: Only the government (which controls the House) can do this, but you might want a different rule for your system, in the absence of an official opposition.

By having rules in place, and by following them, we can assure that Members who support and oppose legislation can have their voices heard. What results is a reasonable debate and a majority vote. If rules are ignored it is very difficult to enforce them later because Members can say that they have always been ignored. We all live under the rule of law, and if we expect citizens to obey the laws that we have made, then surely we, as legislators, must live under our own rules. We must set a good example for our citizens, which underscores the importance of setting solid precedents. Rules have to be interpreted by someone (the Speaker), and you, as Members, must assist the Speaker in this task. To make the system succeed, everyone must know the rules.

I hope that this was helpful, and I'm sure that we will cover many other issues in the course of the workshop.

Ms. Phillips: I would like to ask our other international guests to briefly present their systems.

Ms. Lana Gogoberidze
Majority House Leader
Parliament of the Republic of Georgia

I would like to first tell you how much compassion I have for your situation. Maybe I understand you better because we are almost in the same situation in Georgia: when we became independent, one-seventh of our country was lost, and 300,000 people became refugees. It is the right of any country to have its own land and institutions, and the only hope is to strengthen

INTRODUCTORY REMARKS

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Another aspect of rules is that rules ensure participation. We limit the length of speeches, which ensures time for many speakers. Some people think this is a good idea. Secondly, we can extend the hour of adjournment so that we can sit late to finish the discussion of a bill. This assures that all members who wish to speak are able to do so. Some people don't think that this is a good idea, e.g., if every member is allotted 20 minutes, each one will use all of the time, whether she or he needs it or not. We also allow time at the end of members' speeches for questions and answers. Next, we allow members to make one-minute statements -- on any subject -- during a fifteen-minute period each session. These, while short, serve as useful opportunities for members to express themselves, allowing members to talk about an issue

In Sweden, the Constitution contains four different laws, including the instrument of government; the role of the monarch; freedom of the press; and freedom of expression. In the first law there are two chapters about the organization of the parliament, including their standing orders. It is very important to organize parliamentary debate to make democracy efficient. In Sweden, we use the general [plenary] sessions for decision making, and we have a process for "tabling" other issues. We also have a time when private members ask questions of other ministers, and interpolations, whereby all members will participate with written questions. In addition, we have a determined time each week for oral questions. We also have special debates for urgent matters.

A weekly schedule of the Swedish parliament was distributed, and Mr. Elkholm explained that a parliamentary session lasts for one year, and the parliament meets from Monday to Friday of each week. There are close to 200 bills that are presented by the government, and they are organized into the plenary session.

The annual budget is submitted in September. On the issue of the budget, you can suggest any motion. On other bills, however, you can only discuss what is contained in the bill. Thus, there is only one chance per year (with the budget), when a written motion can be made about anything (there are about 3,000 motions per year).

At the plenary meeting, bills and amendments are suggested to the committees, and there is usually no debate at this point. Bills and amendments are registered in a computer and a schedule is produced which lists the time that will be allocated to each bill in plenary and in committees. After that stage, all motions from the plenary discussions are included in the record as well. In a committee report about a bill, one finds the text of the bill, as well as dissenting opinions. In addition, the report will contain statements in agreement with the report that stress certain elements of the report. These reports are tabled twice to allow adequate time for discussion. They are distributed on the Friday before the report will be discussed, to enable members to review them over the weekend, before the plenary. As a member, I never read the entire report--it is thousands of pages--I only read what is coming from my committee or is of interest to my constituents.

When a committee report is debated in the plenary, it is members of that committee and others who are responsible for the motion who will speak and participate in the debate. Any other member who wishes to speak about the report must notify the speaker the day before the debate, but if this is not done, a member may still speak, but for only a maximum of six minutes. Opposition members speak first, then the ministers will respond.

If we have a debate in the evening, a decision will always be made the morning after, which gives everyone more time to think. After a decision is taken, the government is informed by written communication. The prime minister does not have a veto power, so the parliament has the last word, and the Government is responsible for carrying out the legislation. The Government is responsible once a year for reporting to the Parliament on decisions.

democratic institutions during this transitional period to garner international support.

I think it will be interesting for you to know how we came to our current situation in Georgia. We have ancient institutions and culture and were constantly invaded by our neighbors throughout our history. Our real independence was not achieved until 1918, when we created an elected parliament, and began to build democratic institutions. We were invaded by Russia in 1921, however, and then were a part of the Soviet Union until its collapse in 1991. When we achieved our independence again in 1991, we faced another danger: our internal nationalisms that threatened to destroy our new state. Shevardnadze [now the president] returned to Georgia and created the Citizens' Union, which stood against extremist nationalism. This has allowed for Georgia's successful, pluralistic elections; twice since 1991.

Our parliament was composed of 33 parties in 1991, which represented a reaction against totalitarianism under which political parties were nonexistent. This created a situation in which it was impossible for us to reach decisions, and to make democracy efficient. Eventually, three parties developed: one majority and two opposition parties. Now I can say that our parliament is similar to European ones: we have discussions on many issues in the plenary, but a lot of our work is done in committees. When a bill is presented in the plenary, it has already passed through all stages of public hearings and committee work. All of our bills are published and are made available to the public, and the really important ones are published in the newspaper. This reflects the notion that democracy cannot be efficient without transparency.

The committee will present a bill to the plenary after it has been thoroughly discussed in committee. In plenary discussions about bills the time is limited for discussion, and participation from committee representatives and political factions is equitably shared among them.

The President in Georgia has a veto power. Like your Council, we hold a lot of emergency sessions. Previously, it was very difficult for us to focus on legislation because of the political situation, but we have tried to change this. We have a committee -- composed of committee chairs, the Speaker, and representatives from political factions -- which adopts the agenda, not just for the week, but for the whole year. Thus, there is no time wasted in the plenary discussing the agenda. Only in special cases can the agenda be supplemented.

Mr. Berndt Elkholm
Member of Parliament, Sweden

Thank you for the opportunity to be here, and to have been able to see your session in Bethlehem. I want to begin with a reading from the Swedish Constitution: "For a state to function effectively, citizens need to know the rules of the game. If the rules are observed, the decisions are felt to be legitimate. The legal framework is a pre-condition for the rule of law and the permanence of the form of government." It might be added that the rules of the game are particularly important in times of conflict and crisis. In Sweden, we have had peace for almost 200 years.

Ms. Gogoberidze: In Georgia we have a similar system, but money is only given to parties *in* the parliament.

Setting the Annual Agenda

Question: How can the parliamentary agenda be planned for the whole year?

Mr. Milliken: The speaker opens the session, and the finance minister submits the budget at the beginning of the session. The government expenses are submitted in accordance with the estimates. In general, there is a big interest in the public for the discussion of estimates, so we allot 20 days per year for this. I would like to show you the yearly schedule for our parliament, which is designed so we meet in blocks of four weeks with one week off. This scheduled time allows us to meet with our constituents, which is important in such a large country.

Ms. Gogoberidze: We have strict separation between the legislature and the executive. The only time the president of the republic gives speeches in parliament is the opening speech at the beginning of the session.

Mr. Elkholm: In September, the king opens the session in our parliament, and the prime minister presents the government policy for the whole year. The prime minister submits the same statement as in Canada. Then, we have motions for the budget and discussions between party leaders.

Managing the Debate

Question: In your parliaments, the number of members is very large. How can you organize debate and manage time efficiently with so many members?

Mr. Milliken: Indeed this is very difficult--we have 293 members, and three political parties represented in our parliament. The government proposes almost all of the legislation. The three parties meet weekly and decide how many days will be allocated for the discussion of each bill. If time runs out, a decision is made either to extend the discussion or to take a vote. If there is not agreement on what to do, the government can decide to extend the discussion, and this involves some sort of a deal. For example, the government will let different members from different parties speak on the issue. Members have an allocated time during which they can speak and they can divide this time, which allows for more members to speak on the issue. Parties create lists of who will speak so it is not the speaker who has full control over this process. Our committees, unlike the Georgian model, meet at the same time as the plenary, so not all members will be present for a given debate.

Question: Myrna, you have been with us for four months, and you know our problems. We have heard these presentations of different models--how can we apply them to the PLC's operations?

Ms. Phillips: Through our attendance at PLC sessions, we have seen the importance of adhering

to rules. Responding to this, we created the Standing Orders books in anticipation of this workshop.

Ms. Gogoberidze: I appreciate what you are saying, because two years ago our parliament had the same problems. We could not make any decisions [because our plenary debate was disorganized]. We have learned that following the standing orders is the most important thing.

Ms. Phillips: There are two other things I have observed here. The first relates to how agendas are set and amended, and the amount of time that is spent on this in the plenary. Often, one and one-half hours are devoted to discussing the agenda, and when you only meet two days a week, there is not enough time to deal with the substantive issues of the agenda. (At this time, the Council was meeting only twice a week; now, it sits for four consecutive days every second week). Often, the reason your discussions are so lengthy in the plenary is because there are matters that are considered urgent that take over the agenda. However, there is a clause in your Standing Orders that discusses how to handle urgent matters. Perhaps an alternative would be to hold special evening sessions to address these urgent issues. Secondly, I want to comment on the practice of dealing with legislation clause-by-clause in the plenary. This process is very time-consuming, and I would suggest that doing the bulk of this in committees would save time and be more efficient. Thus, the three most important areas that I have noticed for reform are: the adherence to the standing orders, the agenda, and how legislation is reviewed, i.e. more should be done at the committee stage.

Question: Myrna, you have addressed some of our problems. Can you give us more comments in the future about our work?

Ms. Phillips: Certainly, and in fact, [PLC Speaker] Abu Ala' has asked me for written critiques of the plenary.

At this point, a Member requested to have a special session on this topic, perhaps once a month.

Government Compliance with the Law

Question: Mr Milliken mentioned to us the importance of adhering to the law. What if the problem is that the executive is not adhering to the law?

Mr. Milliken: In our system, the government party is the majority in the parliament. If the government loses its majority in the House, it must resign and new elections will be held. The government can force us to do something because it has the parliamentary majority. In the PLC, it is apparent to me that there are limitations to your power, so I would suggest to focus on issues on which you can legislate.

Ms. Gogoberidze: We are not supporting the government in our system.

Question: What happens if Georgia's government does not comply with the legislature?

Ms. Gogoberidze: We have the power to impeach cabinet members, but the president does not have the power to dismiss the parliament.

Parliamentary Affairs Committee

Question: I have a question about Sweden's Parliamentary Affairs Committee: how does this work exactly? How often does it meet? Do you work with the (parliamentary) budget?

Mr. Elkholm: Each year, the government gives the budget to the parliament. The government uses many sources to get the figures for the budget, so that when it is presented, it is enormous. We divide the budget into sixteen pieces and each committee will review its relevant piece. In my capacity as a member of the Foreign Affairs Committee, for example, we will work on the budget relating to foreign affairs. This part of the budget is then divided, and each member of the committee is responsible for reviewing a portion. After review, we will discuss this as a committee, and will include in our report any proposed changes. Thus, when this portion of the budget goes to the plenary, it is very well-prepared and there is no need to discuss it extensively as an entire parliament, and our committee report represents our views to the government.

Parliamentary Budget

Question: Is there a special budget for the parliament. If so, who works on this?

Mr Elkholm: One sixteenth of the budget is sent to the Constitutional Committee, and part of this deals with the budget of the parliament. The process for reviewing this is the same as I mentioned above in my committee.

Question: Who is in charge of preparing, not just reviewing, the budget?

Ms. Phillips: As speaker, I was chair of the Legislative Assembly Management Committee, and there were representatives from all parties on this committee. We would focus on issues, including salaries, travel allowances, etc. The speaker's staff would review all of the information and would then make a proposal to the Ministry of Finance who would review the proposed budget. Parties would then debate the draft budget, then it would be sent to the finance minister. As for the national budget, the Opposition also has the opportunity to debate it in plenary.

Mr. Elkholm: We do not determine our own salaries. There are three people designated to determine the salaries of the ministers, and another three who determine those of MPs.

Political Party Affiliation/Relations

Question: What is the relationship in your respective systems between party members outside of

parliament and party members in parliament, i.e. is it an influential relationship?

Mr. Elkholm: In a formal way, I can do what I want to do, meaning that my mandate is between my constituents and me, but informally, I do not have full independence. I follow party lines during the elections. Because there are so many decisions being made at any given time, I refer to committee reports to determine the party opinion, or I ask my party leader in parliament. On a given issue, I can ask my party leader if I can vote a different way, and if he says no, I will follow the party line.

Ms. Gogoberidze: It is not easy to reconcile party discipline with democracy. As an individual, I want to act as I please, and speak my own opinion, but I also must follow the ideas of my party for the sake of party discipline. We have developed into a system where discussions occur within parties before decisions are made, and have realized that this is the only way it can work.

Mr. Milliken: In our case, as in the Georgian model, our party leader sits with us in parliament and he makes the decision on how to vote on a given issue. At the same time, however, he is always focused on maintaining and securing a majority, since he could lose majority support if he made a decision contrary to the interests of other party members.

Ms. Phillips: Our party meets every year, when we have policy debates and pass resolutions on issues. Therefore, if you run as a candidate under a certain party, you are towing the party line. As candidates, parties develop platforms that articulate what they are going to do for the next four years. Therefore, after you are elected and become the government, you will implement those policies. Candidates know, before being elected, what policies and issues they will implement. When the party caucus meets after the election, therefore, it is only to discuss the timing of the policies, not the policies themselves.

Question: The Georgian and Palestinian models/experiences are very similar, yet we don't have parties. The issues we face as members are national ones, not partisan ones. I would like to ask for advice on how to handle this--how can we have coalitions, groupings within the Council when most of the members are Fatah-affiliated?

Ms. Gogoberidze: I can understand what you need. When the USSR fell, there was just one party, and everyone had the same (national) goal of independence. Then, there were 50 parties, all with the same goal of independence. The difference with us, however, is that we are truly independent. One big issue that we face is relations with Russia, and this is the biggest problem in our party--some people want us to have stronger relations, while others do not. Those who oppose what we want (stronger relations) help us to clarify our position. So, for your case, I think it would also be helpful for the PLC to have majority and opposition blocs [even if they come originally from the same party] for these national issues.

Implementation of Legislation

Question: If the government does not respect the decisions of the parliament, what can the parliament do?

Mr. Elkholm: This happens with small issues. When the government does not implement parliament's decisions, we go to the government and ask again, and put this request in a new report. If it is an important matter, there is only one way it can be resolved -- through a no-confidence vote of the ministry, and at least 35 members need to vote on whether a no-confidence measure will be discussed. Three months ago, the Liberal Party called for a no-confidence vote of the prime minister. While this vote did not happen, if the vote was successful, the government would have to resign.

Public Hearings

Question: For Lana: Who organizes public hearings?

Ms. Gogoberidze: We issue bills that the public can read, thus ensuring that there is transparency and the interested public is informed on an issue. In addition, parliamentary staff organize with lobbying groups, NGOs, etc. to organize public hearings. We might have up to three hearings on a given bill. Moreover, hearings are not only held in the parliament, but throughout Georgia, to allow for increased public access. After the hearings, and committee meetings, amendments are introduced, for the first time, in the plenary. Thus, the bulk of the review of draft legislation, including amendments, occurs in the committees. This is a big difference from your system.

Mr. Milliken: Since so many Members can introduce bills and motions, there is never enough time to address them all. Therefore, we have a draw whereby the names of members are put in a hat, and if your name is chosen, then your bill will be discussed.

Video of the Australian Parliament: "A Day's Proceedings"

Sunday, March 18, 1997

AGENDA SETTING, MAKING DECISIONS AND RECORDING PROCEEDINGS

Ms. Phillips: As you can see from the agenda, we want to focus today on some of the most important issues relating to the plenary. We have divided the day into discussing three major components of a democratic legislature.

1) Organizing/planning ahead
2) How decisions are made
3) Keeping a record of discussions

I know that in the PLC it has been difficult to do long-term planning, because there continue to be emergencies that the PLC wants to address immediately, and rightly so. Thus, on the agenda we have noted several items that relate to getting organized. I will ask our guests to address these issues briefly. I want to note that when we talk about the agenda, there are several articles in your Standing Orders of particular importance--Article 16 (agenda), and Articles 75-77 (Urgency Procedures).

Mr. Milliken: Yesterday, I gave you a schedule about the sitting days of the Parliament, which are always held in the same place. For committee meetings, there is at least 48-hours prior notice. Agendas for our meetings are similar to "Order Papers," which outline the items that will be discussed on a certain day. Members receive this paper at the latest on the morning of the session at which they are discussed. If anyone wants to introduce a motion or a bill, he or she must give notice of 48 hours and get permission to introduce the bill. This is very important. In Korea, for example, the government introduced a bill [deliberately] when the opposition wasn't there, and widespread riots ensued. Because there is a weekly meeting of all of the parties, we know the government's business at least a week in advance. These types of meetings would be helpful for you too (i.e. members working with the speaker on issues to be included in the agenda), because you would have more time to prepare amendments and comments for discussion. The notice for amendments is shorter than the notice time needed for bills.

I would like to read through some of the "Order Paper," noting that there are certain things that happen every day, such as oral questions, so members do not have to receive notice for such matters. This paper is important because it prevents members from being surprised. After routine items are taken care of, we turn to "orders of the day," a confusing term which basically means "government's business." On this paper, you will also see a list of bills which will be debated one after another. Going through this detailed procedure is very important. Finally, I would note that Matters of Urgent Public Importance are not included in this document.

I hope this was helpful in stressing how important it is for members to know what will be discussed, and to not be taken by surprise. Also, this helps members organize their time so that, for example, if there is something being discussed that they deem unimportant, they can work with constituents on that day.

Ms. Gogoberidze: We have a more primitive way of organizing the agenda. There are schedules for all committees. Since the heads of committees are from the majority party, they meet in the party caucus. At this meeting, schedules are discussed (i.e. how to prioritize issues), then we present our draft schedule to the Speaker's Council which includes members of the opposition. Then, the schedule is published and all members receive a copy. After this, the office of the Speaker's Council meets every week and determines schedules--we alternate between plenary and committee meetings every other week, so they don't meet at the same time. Members receive a copy of the agenda a day before the meeting, and this schedule also includes public hearings.

Setting the Agenda

Question: As in Canada, do you prepare the agenda for the whole year?

Ms. Gogoberidze: Yes, the office of the Speaker's Council prepares this.

Mr. Elkholm: In principle, everything is the same in Sweden as in Canada and Georgia. We have a schedule for the whole year, and we receive a paper each week with the weekly agenda. This is important for members who have to organize their time. For example, on June 3rd, we know what issues will be discussed, and what issues will be coming up. Each debate is limited to 240 minutes. This is just the schedule for one day. What is important to note is that this schedule is very well-prepared by the clerk and his staff, who work with the clerks of all committees and also consult with party chairmen. This process is done for all bills.

When a committee report is presented to the plenary, it also lists the amendments and motions, so that the members outside of the committee can know how complicated the issue is, including, for example, how many motions will be offered.

There is a weekly plan for the Council that outlines what will be discussed every day. I would also like to discuss the Order Paper, which we receive every day, and this includes dissenting opinions on issues. Since this is well-prepared beforehand, there is no need for the parliament to adopt it as a whole, so only the speaker adopts it. This includes a list of speakers for the day and indicates how many minutes they will each speak. First the Minority speaks, then the Majority. Members who take part in the debate are only members from the committee that has studied the legislation. The only exception to this is, for example, if there is a member from the Green [environmental] Party who wants to speak on the issue of nuclear power. He would only have the opportunity to speak *after* members from the committee spoke.

Members who want to speak must go to the speaker's secretariat the day before to get on the list. There are no time limits, but it is recommended not to speak for more than ten minutes; if you speak for two hours, people will think you are stupid.

Question: Is this schedule for committees or for the parliament as a whole?

Mr. Elkholm: This is the schedule for the plenary. Including rebuttals, we know that the discussion is longer, but these [rebuttals] are limited to two minutes. Any non-committee member can speak on the issue, but only for six minutes each. (It is unusual, however, for other members to come to the session.)

A PLC Member commented that since so much time is spent in the PLC plenary adopting the agenda, it would be very beneficial for the PLC to adopt a model similar to the Swedish one, as presented by Mr. Elkholm.

Question: Is it possible for other members besides the leader of the party to speak?

Mr. Elkholm: Almost everything is done in committees; therefore, members from the relevant committee lead the debate because no other member knows about the issue. The committee report is the basis for the plenary discussion of the issue. Therefore, there are only about ten members (members of the committee) who participate in the debate. The exception is members who submit motions and then discuss them. The party leaders, therefore, are not necessarily experts on the specific issues--as the leader of the party, you don't have to know everything about all issues. But the committee members are considered experts on the issues they review.

Mr. Milliken: The procedure for all bills is the same--it must be filed with the clerk and put on the Notice Paper at least 48 hours beforehand.

Private Bills

Question: As an individual member, do I have the right to propose a law, or do I have to talk to my party beforehand?

Mr. Milliken: Any member is an individual member and can submit bills on his own.

Mr. Elkholm, Ms. Gogoberidze: Private bills are usually submitted to committee first.

Question: Does a member have to get approval from his party before submitting a bill?

Mr. Milliken: Any member can introduce a bill without the approval of the party. The announcement of a bill is put on the Notice Paper. When it is introduced, the member would give a brief description, then the bill is put on the Order Paper for second reading. A bill will not go to committee unless it carries a vote at second reading.

Mr. Elkholm: With 3,000 motions and bills per year, it is impossible to present them all in the plenary, so the majority of work *must* be done in committee.

Ms. Phillips: In your Standing Orders, I want to point out three important points:
1) Article 16 (about the agenda): There is a very clear way of how an agenda is to be presented, and how items should be added to the agenda. Thus, if you follow this rule, the agenda will be more organized. To start with, I think you would be happy to use the rule you now have, in which the agenda is submitted 48 hours in advance, members presenting amendments beforehand etc., and you should work with the staff of the speaker to communicate in a regular, organized way.

The other issue is emergency motions, which always take a lot of time and are handled in Articles 75-77 of the Standing Orders. Thus, the only time it should take in the plenary to discuss an urgent matter is outlined in the process described in Article 75. On the issue of the flour crisis,

for example, if five members submit a request, it should be the first item on the agenda, and a vote is taken immediately to determine whether it is discussed or not. If it is an urgent matter, it is discussed first on the agenda. What happens in the PLC now, however, when an urgent matter arises, is that you tend to discuss the content of the issue, rather than the procedure (i.e. whether to discuss the issue), and this wastes a lot of time.

If a report of a committee is on the agenda, the content of the report can be discussed. When the discussion is completed, and a report is adopted, then everything in the report is adopted. If a member disagrees, he or she can make a motion to move the report back to committee to reconsider its recommendations.

I want to raise one more point relating to amending the agenda: the next time an urgent matter arises, look at the two articles in the Standing Orders that focus on this process, and if you cannot get the issue on the agenda, then raise a point of order.

Question: But in article 76, it says that an issue can be adopted and then postponed--how does this work?

Ms. Phillips: The point is that it is the *Council* which decides whether the issue is discussed or not, and this should not take a lot of time. The issue would be discussed as an urgent issue if it is voted on to be discussed as an urgent issue. That is, if the majority decides that a matter is urgent, it is put on the agenda, *then* its content is discussed.

Procedures for Votes of No-Confidence

Question: What happens when the PLC votes no confidence in a minister or government--what happens if you want to withdraw confidence and the government does not respond to the issue?

Mr. Milliken: If the Opposition moved a motion of no-confidence, and it carried, then there would be an election. Usually, no-confidence votes are not taken on one minister, because the minister is part of the entire government. If there was a major scandal with one minister, usually the prime minister will replace him with someone of his choosing, not of the parliament's.

Ms. Gogoberidze: When we created our constitution, we wanted a strong president and legislature. The president cannot dismiss the parliament, and the parliament can only impeach one minister, not the entire cabinet. Moreover, impeachment can only be used in very specific cases.

Mr. Elkholm: In Sweden, the process is very similar to that of Canada's--the government will try to solve the crisis before it goes to the legislature.

Ms. Phillips: I would now like to move the discussion to *"Making Decisions"* and *"Recording History"*.

Mr. Milliken: I would like to talk about motions and amendments in our House--a member can only speak with a motion that is seconded by another member, except during question period and the one-minute statements. Otherwise, members are expected to make a motion first then speak only on that topic. Under our rules, a member can only speak once on a motion, unless you are the one who made the motion, in which case you can speak at the end. A motion can be amended with another seconded motion.

The process for voting is as follows: at the end of the debate, the speaker says that he will now put the bill to vote. If a motion is made by a member, and this is seconded, he puts it to a voice vote of the House. There is no vote count at this point (it is the speaker's opinion whether the vote carries or not). If five people oppose this, then there is a recorded vote, which takes about eight minutes. The voting record is included every day in the "Votes and Proceedings," which you have a copy of in your workshop kits.

The reason this is important is because it is public, and sometimes the media will report to your constituents on how you vote. Votes are recorded if members request this; otherwise, there is just a voice vote. Sometimes, members want a voice vote because they don't want their vote to be recorded and known.

The other thing I should mention is the importance of having minutes recorded. The validity of laws can be challenged in court if the process of adopting a law does not conform with the parliamentary rules.

Ms. Gogoberidze: I will speak only about the voting system because it is different from what Peter described. We have a fixed time for voting--voting always occurs at the end of the day, so everyone knows that at 5:00pm, all members must be present for a vote. All votes are recorded, and only if it is a sensitive issue (e.g. voting to approve a minister) is the vote secret. In this case, people only know how many people voted for/against, without any names.

Mr. Elkholm: For the recording of minutes, we have stenographers who record the full proceedings and the proceedings are also taped. Each member receives a full set of the minutes (including questions) at 12:00pm the day after the debate. Actually, there is no need to be in the Council, because all of the proceedings are recorded. A member can even call or use a computer to access a debate. For a vote, however, everyone is present.

In the minutes, a member is allowed to change language [grammar] only, *not* content; and to make any corrections, a member must go to the stenographers and tell them they want to read the text beforehand. After one month, members receive the final product, and if a member wants to make corrections to that, he or she must do so within one week.

The last point I want to make is that citizens, through phone, computer, or through getting hard copies of minutes, can access the parliament's work--our system is completely transparent. Also, people can obtain a document describing how members vote on different issues.

Ms. Phillips: I want to summarize the discussion and bring up two additional points. First is the issue of parliamentarians, experts who are on hand to give advice to members, and these exist in many systems. What I would like to suggest is for some of you interested in the rules to appoint yourselves as parliamentarians. Several of you can do this and take turns in watching/monitoring whether the speaker and fellow members follow the rules.

The other suggestion I have is to create bill summaries (a copy of one from the Namibian parliament is part of your workshop kits). Whenever you have a draft law, you should insist that you are provided with a short summary of the principle of the law. This will help focus the debate. Then, the work on the specific details on the bill (i.e. using this word or that), should be done in committees, to avoid reviewing draft legislation line by line in the plenary.

I have heard in your debate members making different suggestions on a bill, after which the entire bill is referred back to committee. When this happens, the committee does not know which suggestions/amendments should be included, or which represent the voice of the majority. So, before anything is referred to a committee, you should work on changes and amendments to get the view of the plenary, *then* send it to committee. This process is called "referring to committee with instructions."

Recording History

Ms. Phillips: What you are doing for Palestine is very important, and your work is something that people will look back on to see how everything started, and how obstacles were overcome. Therefore, you want to have a good record and system for recording--what our guests mentioned is very important. In the record of daily debate (included in your workshop kit materials), every word of the debate is recorded and printed, as mentioned by Mr. Elkholm. The other document I would like to discuss is the report on a committee meeting, in which every word said by members and citizens is recorded.

I know that you do not have all of the resources necessary to undertake all of these activities, but I would like to propose to you to work with the Office of the Council and international donor organizations who have programs with the PLC to build this capacity as soon as you can. In Article 19 of your Standing Orders, it says that the minutes of the Council should be published--I would suggest to you that it is to your advantage as a Council member to show your constituents how you voted and what you said.

You want the public to know you are working hard on their behalf--if the public had your minutes, then they would know what you say. You want to start putting things in place so that you begin building the solid foundation of democracy.

I want to thank you for the past two days, and want to reiterate that I am always available for any meetings or consultations.

RECOMMENDATIONS

These recommendations reflect the apparent consensus of the international participants and PLC members in attendance regarding the issues raised during the workshop.

Time Management

Line-by-line consideration of draft legislation should occur in committee, not in the plenary sessions. This would increase the efficiency of the plenary, as well as strengthen the important role that committees play in the law-making process.

Urgent matters should be handled according to the Standing Orders, or should be handled at special (i.e. evening) sessions.

The agenda should be printed and distributed to Members at least 48 hours in advance of the session. This will allow members to adequately prepare for sessions, and will limit the speaker's power to change the agenda at the last minute. In addition, if this precedent is set, it will also prevent time from being wasted during the plenary trying to set the agenda.

Parliamentary Affairs Committee

The PLC should establish a committee, composed, for example, of committee chairs and the Office of the Council, that will set the short and long-term agendas of the Council, and will handle all administrative and planning needs of the Council.

Recording Proceedings

The Council should work quickly to establish a system for recording the proceedings of the plenary and committee meetings.

The public should have complete access to Council proceedings through a written record, such as a Hansard.

Parliamentarians

A group of PLC Members, if interested, should appoint themselves as "parliamentarians," whose function and duty would be to become experts on the rules, in order to monitor whether fellow members are adhering to them.

PLC Member Evaluation

The enthusiasm of the Members was apparent from the questions asked and the discussions generated, and requests for further information and mini-workshops on topics relating to plenary organization. Questionnaires were distributed to the workshop participants at the end of the workshop, where, among other things, participants were asked to assess what they found most and least useful from the workshop, what other topics could have been

addressed, as well as suggestions for future NDI activities.

The comparative focus of the workshop was well received by Members. The Georgian model was noted for its relevance to the Palestinian situation. The Swedish example, in particular, for how the parliament's work is organized. Members responded very positively to the sessions that covered the planning of the weekly and annual agenda, as well as how to effectively manage and control time. Members had mixed reactions on the sessions that covered how to record the work of the parliament.

In addition to what was covered in the workshop, members expressed an interest in learning more about how the speaker can most efficiently manage the session, how the PLC can increase its transparency, as well as the process for questioning members of the Executive. In planning its future activities, NDI is taking these suggestions into account.

When asked what future topics Council members would like to see in workshops, members responded that they wish to learn more about legislative-executive relations, the process for approving a budget, how to draft and pass private bills, as well as the relationship between the Office of the Council and PLC members. NDI intends to address many of these issues through future workshop topics and other activities.

Members were also asked about their views of NDI activities in general, for the purpose of helping to direct future activities in the PLC program. Many members expressed the desire to visit other parliaments, in order to gain first-hand, comparative knowledge. Another suggestion was to continue to provide comparative materials in Arabic to members, as well as to consult directly with members, after viewing them in the plenary, and provide them with comments and suggestions.

FOLLOW-ON ACTIVITIES

In the period since the workshop, NDI has begun to organize mini-workshops on focused topics relating to plenary organization. This developed from a request of members who attended the workshop for more detailed discussions and working sessions on some of the topics. To date, NDI has held a workshop on "setting agendas" and plans to hold additional ones on "urgency procedures" and "motions."

In May, NDI, in conjunction with Associates in Rural Development (ARD) and the Center for Palestine Research and Studies (CPRS) held a workshop on legislative-executive relations. In June, NDI sponsored a study mission for six members of the PLC to visit the Hungarian National Assembly, to observe in particular, plenary procedures, committee work, and legislative-relations. NDI is planning another study mission to a transitional legislature in the fall, as well as a workshop on constituency relations.

STANDING ORDERS

PALESTINIAN LEGISLATIVE COUNCIL

Standing Orders of the Palestinian Legislative Council

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Standing Orders of the Palestinian LegislativeCouncil

Preamble

The Palestinian People in Palestine have expressed, through general free and direct elections, their determination to follow democratic rules in building their institutions and exercising their national sovereignty. Those elections have led to the birth of the Palestinian Legislative Council of the Palestinian National Authority.

On that basis, it is necessary to establish the principles for the elected Legislative Council to develop its work, based on the principle of separation of powers, which confirms the independence of the legislative authority and its right to legislate and to control and inspect the works of the Palestinian Authority.

These Standing Orders have been established in order to organize the functioning of the Council, and regulated its acts, including the election of its organs, its decision making process, and its legislative procedures, as a first step necessary to reach national independence, the construction of an advanced democratic society, and the exercise of sovereignty on the home land.

The provision of these Standing Orders guarantees the freedom of opinion and expression, the freedom of opposition and criticism, and the achievement of

comprehensive cooperation between the Council and other constitutional institutions.

Article 1
Definitions

In these Standing Orders, the following expressions shall have the meanings stated:

1. The Council: the Palestinian Legislative Council.

2. The Speaker: The Speaker (Raees) of the Council.

3. The President of the Authority: the President of the PNA.

4. The Council of Ministers: the Council of Ministers of the PNA.

5. The Office of the Council: the Speaker of the Palestinian Legislative Council, the two Deputy Speakers and the Secretary General.

6. the Constitution: the Basic Law of the Palestinian Authority for the interim period.

The Secretariat: the Secretary General and his or her staff in the secretariat

Title I

Chapter 1
The initial meeting

Article 2

a. The President of the PNA shall call the first meeting of the Council to take place at the beginning of the second week following the publication of the official results of the elections. He shall open the meeting and address a general speech to the Council.

b. The Council shall at its first meeting elect the Office of the Council. The oldest member of the Council shall preside over the meeting, and the youngest member shall act as Secretary General. These duties shall end upon the election of the Office of the Council.

c. No discussion shall be held before the election of the Office of the Council.

Article 3

Each member individually shall swear the oath of office before the Council at the first meeting, as follows:

"I swear before Almighty God to be faithful to the nation of Palestine, to keep the rights and interests of the people and the nation, to respect the Constitution and to fulfill my duties to the best of my ability, as God is my witness."

Chapter 2
The Office of the Council

Article 4
The Office of the Council shall be formed by the Speaker, two Deputy Speakers, and the Secretary-General, who shall be elected by the Council by secret ballot.
The Office shall serve until the beginning of the next period of sessions of the Council. Vacancies shall be filled be election, to be held according to these Standing Orders.

Article 5
The Speaker shall represent the Council and speaker on its behalf, and shall open, preside over, direct, control and announce the close of the its meetings. The Speaker shall give the right to speak, shall decide the agenda of the Council, and shall authorize the Secretariat to publish the decisions of the Council.
The Speaker may participate in the discussions. S/he shall vacate the chair while so doing.

Article 6
If the Speaker is absent, or is participating in the discussion under Article 5 above, the chair shall be taken by the first Deputy Speaker. If the first Deputy Speaker is also absent, the chair shall be the second Deputy Speaker, or in his/her absence by the oldest member of the Council.

Article 7
No member of the Office of the Council shall be eligible to be a Minster.

Article 8
a. The names of the members of the Executive Authority shall be selected by the President of the PNA. Such names shall be submitted to the Council of Ministers on its policy and program.
b. In the event of any modification to the membership of the Council of Ministers, of the death or resignation of any of its members, the name of any new Minister shall be submitted to the Council for approval at the first meeting following that event.
c. If a majority of the members of the Council withdraws its confidence in one or more such persons nominated, the President of the PNA shall a replacement nomination at the following meeting not more than two weeks later.

Chapter 3
Election of the Office of the Council

Article 9
Three elected members of the Council shall responsible for the conduct of the election of the Speaker. Each member of the Council shall given a paper on which to write the name of the candidate of his or her choice.

Any candidate who receives the votes of half of the members present plus one shall be declared elected. Otherwise, the Council shall proceed to a second round of voting, between the two candidate who received the most votes in the first round. The candidate who receives more votes shall be declared elected. A tie shall be resolved by lot.

Article 10

The two Deputy Speaker and the Secretary General of the Council shall then be elected, following the same procedure as for the election of the Speaker. The member acting as Speaker shall then invite the elected Office to assume its responsibilities.

Article 11

The Office of the Council shall appoint a secretariat, which shall be responsible for all administrative, financial, legal and media questions, for public relations, protocol, execution and publication of the decisions of the Council and for the filing of documentation. The secretariat shall be responsible to the Secretary General of the Council.

Title II

Chapter 1
Meetings of the Council

Article 12

The President of the PNA shall call a period of sessions of the Council twice yearly. Each such period of sessions shall last for four months. The first period shall start in the first week of February, and the second period shall start in the first week of September. The Speaker may call the Council to convene in extraordinary session upon the request of the Council of Ministers, or a quarter of its members. If the Speaker fails to call a duly requisitioned extraordinary session, the Council shall be considered as convened in the time and place made in the requisition of the members or the Council of Ministers.

Article 13

The Council shall meet in public, and shall meet on Wednesday and Thursday of each week unless it decides otherwise.

Article 14

The quorum required to open a meeting of the Council shall be a majority of its members. Decisions shall be made by the majority of votes of the members present, except as provided otherwise in these Standing Orders. If a meeting does not have quorum at the time

specified for its start, the Speaker shall delay the start for 30 minutes. If the meeting remains without quorum, the Speaker shall adjourn it and shall announce the date and time for the next meeting, which shall be not more than one week later.

Article 15

The Secretary General shall distribute the decisions and minutes of the Council to the members 24 hours prior to the following meeting. Decisions and minutes shall be considered as approved unless a member raises an objection to them.

Article 16

a. Upon opening each meeting of the Council, the Speaker shall announce its agenda. The agenda shall be communicated to the members of the Council at least two days before the meeting.

b. The Council shall not discuss any subject not on the agenda of the meeting, except upon the request of the President of the PNA or the Speaker, or the written request of a minimum of 10 members. Except as provided otherwise in these Standing Orders, the Council shall decide to include any subject so requested onto the agenda by simple majority after having heard one speech in favor of such inclusion and one speech against, such speeches not to exceed five minutes in length.

Article 17

The Speaker, following the approval of the Council, shall announce the interruption or adjournment of the meeting, and the date and time of the next meeting. The Speaker may however call the Council to meet before the agreed date end time in the case of urgency or following a request by the Council of Ministers.

Chapter 2
Minutes of the Meetings

Article 18

Minutes shall be recorded for each meeting of the Council including all discussions held, issues debated, and decisions made by the Council.

Article 19

Following approval of the minutes of a meeting, the Speaker and the Secretary shall sign them. the minutes shall be kept in the files of the Council and published in a special publication of the Council.

Chapter 3
Secret Meetings

Article 20

The Council may in exceptional cases be called to meet in secret, following a request

from the PNA, the Speaker, or one third of the members. The Council shall decide whether or not to meet in secret following a debate in which only two speakers in favor and two speakers against shall be heard.

Article 21

a. No person except the members of the Council shall be present when the Council meets in camera, except with the permission of the Council.

b. No civil servant of the Council shall attend the Council when it meets in secret, except by permission of the Speaker.

Article 22

When the justification for the Council to meet in secret ends, the Speaker shall propose to the Council that the secret session of the meeting shall end; upon the agreement of the Council, the Speaker shall reopen the meeting to the public..

Article 23

The Secretary General shall take the minutes when the Council is in secret. Such minutes shall be kept by the secretariat of the Council. Access to such minutes shall be restricted to the members of the Council, unless the Council upon a simple majority vote decides to publish such minutes or any part thereof.

Article 24
The Council, in co-ordination with the Council of Ministers, may call a special meeting for the purpose of inviting any personality or guest to address the Council. There shall be no other item on the agenda of any such meeting.

Chapter 4
Speaking Order in Meetings

Article 25
No member shall speak until called to do so by the Speaker. The Speaker may deny a request to speak only in accordance with these Standing Orders. In case of conflict, the Speaker shall put the question to the Council, which shall take a vote without discussion.

Article 26
The Secretary General shall record the names of members in the order of their request to speak. A request to speak upon a subject delegated for consideration by a commission shall be accepted until the report of the commission is submitted.

Article 27
No member may speak on any issue more than once during the general discussion, and once during the debate on proposals and draft decisions.

Article 28

The right to speak shall be given by the Speaker, in the order in which members request it. In the event of disagreement, the right to speak shall be given in turn to a supporter of the proposal under discussion, to a member seeking an amendment to the proposal, and to an opponent of the proposal. Any member who has been called to speak may waive this right in favor of another member.

Article 29

The Speaker may give any Minister the right to speak at any time upon request upon a subject within the competence of his or her Minister.

Article 30

The right to speak shall always be given in the following cases:

1. To request that the provisions of the Constitution or of these Standing Orders be respected;

2. To propose that discussion on the subject under debate shall be postponed;

3. To correct any facts;

4. To make a point of personal explanation;

5. To propose that the Council move to the next business; and

6. To propose that discussion on the subject under debate be postponed until the Council

has dealt with another related item of business.

Any such request shall take priority over the main subject under discussion: discussion on the main subject shall cease until such question is resolved. The right to speak shall not be given until the member speaking has finished his/her intervention, except in cases 1 and 3 above.

Article 31

No member may use impolite language or incite against public order.

Article 32

If a member does not comply with the provisions of Article 31 above, the Speaker may call him/her by name and request him/her so to comply, or may rule that s/he may no longer speak. If the member challenges any such request or ruling, the Speaker shall refer the matter to the Council which shall decide without discussion.

Article 33

No member may interrupt the speech of another, save that, not with standing the provisions of the last paragraph of Article 30 above, the Speaker only may request a member speaking to comply with these Standing orders at any time during his or her speech.

Article 34

No speaker may repeat any point s/he has made, or that has already been made by another member. Only the Speaker may call the member speaking to order under this provision, and inform the member that his or her point is sufficiently clear and requires no further explanation.

Article 35

The Council may discipline a member who fails to comply with these Standing Orders, or who does not comply with a decision of the Council forbidding him or her to speak, by imposing one of the following penalties:

1. To prevent the member from speaking for the remainder of the meeting;
2. To instruct the member to withdraw from the remainder of the meeting; or
3. To exclude the member from participating in meetings of the Council for a period not exceeding two weeks.

The Council shall make any such decision in the course of the meeting only after hearing the member concerned or any other member on his/her behalf.

Article 36

If any member refuses to comply with a decision of the Council under Article 35 above, the Speaker may adopt all measures

necessary including the adjournment or postponement of the meeting, to enforce the decision. In such case, any penalty imposed on the member shall be dèbated.

Article 37

The Speaker may announce his/her intention to interrupt the meeting, and may so interrupt it for up to 30 minutes in the case of disorder. If order is not restored when the meeting is reconvened, the Speaker may adjourn the meeting and announce the date and time for the next meeting.

Chapter 5
Removal of Membership

Article 38

A member of the Council may be deprive of membership in the following cases:

a. Death; and

b. Civil sentence of a competent Palestinian court for a common law crime.

Article 39

Any proposal under Article 38b. above to deprive a person of membership shall be signed by 10 members of the Council and submitted to the Speaker. The Speaker shall notify the member concerned and shall bring the question before the Council at its first subsequent meeting.

Article 40

The Council shall refer any proposal under Article 39 above to the Legal Affairs Committee, which shall discuss it at its next following meeting. The Council shall, unless it decides otherwise, take its decision on the proposal at the meeting at which the Committee submits its report. The member concerned shall have the right to defend himself before the Committee and before the Council.

Article 41

If the report of the Committee recommends deprivation of membership, the Council shall upon the request of the member concerned or upon a vote of the Council postpone the decision to a further meeting.

Article 42

The member subject to a proposal for the deprivation of membership may attend the meeting and participate in the debate on such proposal, but shall leave the meeting while the Council makes the decision.

Article 43

The Council shall decision a proposal for the deprivation of membership by a majority of two thirds of the members. The vote on any such proposal shall be secret.

Title III

Chapter 1
Committees of the Council

Article 44

The Council shall establish the following permanent Committees, which shall discuss and report on any proposal referred by the Council or by the Speaker:

1. Jerusalem Committee;

2. Land and Settlements Committee;

3. Committee for Refugees and Palestinians Abroad (including exiles and overseas residents);

4. Political Committee (negotiations, Arabic and International relations);

5. Legal Committee (including constitutional, judicial and Standing Orders questions);

6. Budget Committee;

7. Committee for the Economy (including industry, commerce, investment, housing, materials, tourism and planning);

8. Committee for the Interior (including security and local government);

9. Education and Social Affairs Committee (including education, culture, media, religious affairs, history sites, social affairs, employment, prisoners, martyrs, injuries, war veterans, childhood, youth and women);

10. Natural Resources and Energy Committee (including water, agriculture, regions, environment, energy, animal resources and fishing); and

11. Human Rights, Public Freedom and General Purposes.

The number of any permanent Committee shall not be less than five nor more than nine. The Council may form any other ad hoc Committees for specified period.

Article 45

Committees shall not be appointed during the first period of sessions of the Council. Each member may submit to the Office of the Council a request to be appointed to any Committee or Committees. The Office of the Council shall coordinate and consult with all members, following which the Speaker shall submit the recommended list of appointments to Committees to the Council for approval.

Article 46

No member of the Council may sit on than three Committees.

Article 47

No Minister may sit on any Committee or be a member of the Office of the Council.

Article 48

On the proposal of the Office of the Council, the Council may change the composition of any Committee at the beginning of the period of sessions of each year.

Article 49
Each Committee shall elect a Chairman and a Secretary from among its members. In the absence of either, the Committee shall elect a temporary substitute.

Chapter 2
Procedure of Committees

Article 50
A meeting of a committee shall be called by its Chairman, or upon the request of the Speaker in consultation with its Chairman, or on the request of a majority of the members of the Committee. The meeting shall be called on at least 24 hours' notice. The calling notice shall be accompanied by the agenda of the meeting.

Article 51
a. Committee shall meet in secret. The quorum for a Committee shall be the majority of members. Decisions of Committees shall be made by simple majority. In the case of a tie, the Chairman shall have a casting vote.
b. Committees may decide to hold public meetings.

Article 52
Minutes shall be taken of each meeting of each Committee, which shall include the

names of those members present and those members absent and summary of discussions held and decisions made. The Chairman and the Secretary of the Committee shall sign such minutes.

Article 53

The Speaker shall refer to the relevant Committee all documents relating to any matter within its remit.

Article 54

Any Committee may request, through the Speaker, any relevant Minister or responsible person within the PNA to give information on or clarify any point within the remit of the Committee.

Article 55

Ministers may attend meetings of any Committee. Any Committee may ask the Speaker to request, through the President of the Authority, any relevant Minister to attend any of the meetings.

Article 56

a. Members of the Office of the Council may attend any meeting of any Committee and participate in its debate.

b. Any member of the Council may attend any meeting of any Committee, but shall not have

the right to speak, unless s/he is given permission to do so, or to vote. A member of the Council who is not a member of the Committee shall leave the meeting of the Committee during a vote.

Article 57

Each Committee shall submit any report within the time determine by the Council. If it fails to do so, the Speaker may ask the Chairperson of the Committee to explain the reasons of the delay, may request the Chairperson of the Committee to determine the time that the Committee deems necessary to complete its report, and may bring the question before the Council for decision. the Council may decide to deal with the question directly.

Article 58

Any report of a Committee shall be submitted to the Speaker for inclusion in the Agenda of the Council. The report shall be printed and distributed to the members of the Council at least 24 hours before the meeting.

Article 59

Any report of any Committee shall include the opinion of the Committee, with reasons, and minority opinion. The report shall be accompanied by the recommendation of the Committee and draft decisions, with full explanations.

Article 60

The report of any Committee shall be presented to the Council by its Chairperson. In his or her absence, the Speaker shall ask the Secretary of the Committee to present the report, or shall ask the members of the Committee to elect one from their number to do so.

Article 61

Any Committee may through its Secretary request the reference back of its report for further review, even if the Council has started to discuss it. Any such request shall be subject to the agreement of the Council.

Article 62

At the beginning of each period of sessions of the Council, the Speaker shall supply the Council of Ministers with the list of draft laws submitted by and remaining to be discussed. If the Council of Ministers does not wish the Council to discuss such draft laws, the shall fall. If the Council of Ministers wishes any such drafts law to be discussed, it shall be referred to the relevant Committee.

Title IV

Chapter 1
Draft Laws and Proposals

Article 63

a. The Council of Ministers shall submit the text of any draft law to the Speaker, accompanied by a preamble which shall explain its purpose. The Speaker shall refer any such law to the relevant Committee.

b. The Secretary General shall distribute to each member of the Council a copy of any draft law to be submitted to the Council, accompanied by a preamble, three days in advance of such submission.

c. Any member or members of the Council may submit a proposal for a new law, or to amend or repeal any existing law. Any such proposal shall be referred to the relevant Committee, accompanied by a description of the general principles and by a preamble. The Council shall hear the report of the Committee. If the Council accepts the proposal, it shall be referred to the Legal Affairs Committee, which shall put it into the form of a draft law and resubmit it to the Council during the same or the following period of sessions.

d. The Council may decide to read any draft law being referred to a Committee, or to print it and distribute it to the members of the Council.

e. The Council of Ministers may request the reference back of any draft submitted to the Council, provided that the Council has not voted on such law.

Article 64

a. Each draft law submitted to the Council shall be discussed in two separate readings. The second reading shall take place for the sole purpose of discussing proposed amendments.

b. A third reading shall take place on request of the Council of Ministers or of five members of the Council.

Article 65

The discussion of any draft law shall consider first the principle of the law. The Council may decide to read the report of the relevant Committee before opening the discussion.

Article 66

a. If the Council does not vote or accept the principles of any draft law, it shall be deemed to fall.

b. If the Council votes to accept the principles of a draft law, it shall proceed to debate each article in turn. Following such debate, the Council shall vote on each article in turn and then on the draft law as a whole, which shall be approved by a majority of members.

c. Each draft law approved by the Council shall be forwarded to the President of the PNA for assent and publication.

Article 67

a. Any proposal to amend the Basic Law shall be submitted in articles in a written form, accompanied by a preamble, and shall be signed by at least one-third of the members of the Council.

b. Upon receipt of such proposal, the Speaker shall inform the Council and refer it to the Legal Affairs Committee.

c. When the Committee submits its report on the proposal, the Council shall decide by a simple to discuss it or reject it.

d. Any amendment or correction to the Basic Law shall require the approval of two-thirds of the members of the Council.

Article 68

a. The Council of Ministers shall submit the draft annual budget to the Council at least four months before the beginning of the budgetary year.

b. The Council shall refer this draft budget to the Budget and Finance Committee, which shall submit its detailed report within one month.

c. The Council may approve the budget, or may refer it back to the Council of Ministers

within two months of its submission to the Council. The Council of Ministers shall introduce the required amendments and submit the budget again to the Council for approval.

Chapter 2
Questions and Interpolations

Article 69

a. Any member of the Council shall have the right to address a question to the Minister, to ask about a fact, or to clarify measures that have been taken or could be taken to deal with any subject.

b. Any such question shall be clear and concise, shall specify the subject about which it is asking, and shall not include any extraneous comments.

Article 70

Each question shall be submitted to the Speaker in written form. The Speaker shall submit it to the relevant Minister, and shall include it to the agenda of the meeting of the Council at least one week after each submission. The Council shall reserve 30 minutes at the beginning of each meeting for questions, unless it decides otherwise.

Article 71

Each Minister shall answer the questions addressed to him or her and include in the

agenda. The Minister may ask to postpone the answer to be given at a future meeting to be determined by the Council. In case of urgency, the Minister may ask to answer the question at the first meeting following its receipt, even if the question is not on the agenda, and shall inform the Speaker of his/her intention so to do.

Article 72

The member who has asked a question shall have the right to ask the Minister for clarification and to comment on the answer given once only.

Article 73

The provisions relating to questions do not apply to questions made orally by members to Ministers in the course of debate by the Council.

Article 74

a. Any interpolation shall be submitted to the Speaker in writing: the Speaker shall fix the date for it to be presented. After hearing the answer of the Minister, the Speaker shall ensure that the interpolation is discussed within 10 days.

b. Interpolations shall have priority over all other items on the agenda except for questions.

c. A member may, through the speaker and in writing, request the relevant Minister to inform

him/her of any documents relating to his/her interpolation.

d. The member submitting the interpolation shall explain it to the Council. After the Minister has replied, other members may participate in discussion. If the member submitting the interpolation is not satisfied, s/he may explain his or her reasons; s/he or any other member may propose a motion of no confidence in the Council of Ministers or any individual Minister, notwithstanding any provision of the Palestinian Constitution in this regard.

e. The member submitting the interpolation may withdraw it, in which case it shall not be discussed except on the request of five or more members of the Council.

Chapter 3
Urgency Procedure

Article 75

The Council may decide to adopt urgency procedure to deal with any question, including any motion of confidence or motion of reprimand to any Minister or the Executive Authority as a whole. Any proposal to adopt urgency procedure shall be made by:

a. any five members, submitted in writing;

b. the Council of Ministers; or

c. the relevant Committee;

and shall be decided without discussion.

Article 76

The Council and its Committees shall deal with questions taken under urgency procedure first. Any such question shall not be subject to time limits as laid down in these Standing Orders. The Council may decide to discuss a question to be taken under urgency procedure at the meeting to which it is submitted, in which case the relevant Committee shall report to the Council immediately, orally or in writing.

Article 77

Any question discussed by the Council under urgency procedure may be discussed again in the cases provided under these Standing Orders, and shall not be subject to the relevant time limits.

Article 78

a. If a draft law is discussed under urgency procedure, it shall first be referred to the relevant Committee. Such Committee shall determine whether it believes the draft law can be discussed and examine the content of the draft law, and shall report to the Council on both matters. The Council shall then decide whether to adopt urgency procedure. If it so decides, it shall proceed to debate the draft law.

b. In cases of necessity, the Council may decide by a vote of two-third of its members

to discuss a draft law directly without prior reference to the relevant Committee.

Article 79

Any question discussed under procedure shall not be submitted again to the Council within a period of one month, except with the consent of two-third of the members.

Chapter 4
Close of Discussion

Article 80

a. The discussion on any matter before the Council shall be closed upon the decision of the Council, provided at least two supporters and at least two opponents of the proposal have spoken:

1. Upon the proposal of the Speaker if s/he believe there is no need for further discussion; or

2. Upon the proposal of at least five members.

b. The relevant Minister shall be given the right to reply to the discussion.

c. Only one supporter and one opponent of any proposal to close the discussion shall be called to the speak, following which the Council shall vote on such proposal. If such proposal is agreed, the Council shall proceed to vote on the substantive question.

Article 81
No member may be called to speak after the discussion has been closed except to determine the form of the proposal to be voted upon.

Chapter 5
Votes of the Council

Article 82
Only the Speaker may call a vote of the Council.

Article 83
a. The decisions of the Council shall be made by simple majority. In the case of a tie, the Speaker shall take a second vote. If the tie is not resolved, the Speaker shall have a casting vote.
b. the provisions of paragraph a. above shall not apply where these Standing Orders specifically provide otherwise.

Article 84
If the proposal to be decided contains several questions, any member may request, with the agreement of the Speaker, for it to be voted on in parts.

Article 85
A member may abstain. Any such member may explain his/her reasons for doing so before the announcement of the result of the vote.

Article 86
Abstentions shall not be counted either with votes in favor or with votes against. If the total of votes in favor and votes against is less than the quorum, the vote shall be postponed to a further meeting, the question shall be determined by a simple majority of members present and voting.

Article 87
a. The quorum shall be verified immediately before any vote is taken.
b. A vote on any proposal related to the Basic Law shall be taken by calling the members by name.
c. Except as provided in paragraph b. above, any vote shall be taken by a show of hands, or by calling members to stand or sit, or by secret vote if a majority of members decides so to do.

Article 88
The Speaker shall announce the result of each vote. No discussion may take place on a question once decided except as provided under these Standing Orders.

Title V

Chapter 1
Immunity of Members

Article 89

a. A member shall questioned, through either a civil or criminal procedure, because of his or her actions, opinions or votes in the meetings of the Council and its Committees, whether open or secret, or because of any action taken outside the Council in the course of his or her function as process such as a member of the Council.

b. Members shall possess such immunity during their term of office. No criminal charge shall be brought against an member unless apprehended in a criminal act.

c. No member may relinquish his/her immunity unless so permitted by the Council.

d. Each member shall retain his or her immunity after ceasing to be a member of the Council in all issues relating to his or her actions or opinions in the course of membership.

e. No member shall be asked, during the period of membership or subsequently, to testify on any subject related to his or her opinions or actions or to information received in the course of his or her membership.

f. No member shall be disturbed in any manner, nor shall any search be made of his or her possessions, house, car or office, during the period of his or her immunity.

Article 90

a. Any request to deprive a member of immunity shall be submitted in writing to the Speaker by the President of the Supreme Court of Justice, accompanied by a document including the detail of the alleged crime, its place and date, and the requisite proof for criminal proceedings to be entered.

b. The Speaker shall inform the Council of any such request and shall refer it to the Legal Committee.

c. The Committee shall study the request and shall submit a report to the Council. The Council shall decide to deprive a member of immunity only on the vote of two-third of the members.

Article 91

No member may brought before the Civil Courts on the day of any meeting of the Council.

Chapter 2
Complaints

Article 92

Every Palestinian citizen has the right to submit a complaint concerning public affairs to the Council. Any such complaint shall be signed by the petitioner, and shall include his or her name, profession and complete address. Any complaint submitted on behalf

of an organization or group shall be signed by a legal entity or a juridical person. No complaint may include impolite language.

Article 93

Every complaint shall be registered in the order of its submission; the name, address and profession of the petitioner shall be recorded. The Speaker may rule out of order any complaint that does not meet the requirements established, and shall so inform the petitioner.

Article 94

a. The Speaker shall refer any complaint to the Legal Affairs Committee, or to such other Committee within those remit the complaint falls.

b. Such Committee shall discuss the complaint, and shall decide to refer it to the Council of Ministers or to a relevant Committee, or to reject it.

Article 95

The Council may ask the relevant Ministers to give a response to any complaint referred to them.

Article 96

The Speaker shall communicate the response to the complaint to the petitioner.

Chapter 3
Absence of Members and Permissions

Article 97

No member of the Council may be absent without informing the Speaker and giving reasons. No member may be absent for more than three consecutive meetings without the consent of the Speaker. In the event of necessity, the Speaker may give member permission to be absent for one month, and shall so inform the Council.

Article 98

a. Any member who is absent from the meetings of the Council or of its Committees, or is absent for a period longer than the permission he or she has been given, shall be considered as having renounced his/her allowances for the period of his or her absence without consent. The Speaker may call the attention of the Council to any such absence; the Council may, upon the proposal of the Speaker, reprimand such member.

b. If a member of any Committee is absent without permission or a justified reason for three consecutive or seven non-consecutive

meetings of such Committee during the same period of sessions, s/he shall be considered to have resigned from such Committee. The Secretary of the Committee shall inform the Speaker of any such occurrence.

Chapter 4
Keeping of Order in the Council

Article 99

a. The Council shall be responsible for its own order and security. For these purposes, a special police force for the Council shall be established, according to rules drawn up by the Council. The Speaker shall control the exercise of this function on behalf of the Council.

b. No security force or police shall enter the precinct of the Council, unless the Speaker decides otherwise.

Article 100

No person may enter the chamber of the Council while it is meeting, with the exception of its employees.

Article 101

Any person permitted to observe any meetings of the Council who causes disturbances or refuses to obey the rules shall be asked to leave the meeting. If s/he refuses

to do so, the Speaker may order that the person be removed from the meeting and that appropriate measures be taken against him or her.

Chapter 5
Resignation

Article 102
Any member wishing to resign shall submit his/her unconditional resignation to the Speaker. The Speaker shall submit such resignation to the Council within two weeks of its receipt or at the first meeting following its submission. No resignation shall be considered as final until confirmed by the Council.

Article 103
Any member who has resigned in accordance with Article 102 above may withdraw such resignation in writing to the Speaker before it has been dealt with.

Article 104
The Speaker shall inform the Council of Ministers of any vacancy affecting any constituency, which shall be filled in accordance with the Palestinian Election Law.

Chapter 6
General Provisions

Article 105

If the Council needs to elect a representative delegation, the proposed number of members and the names of the delegation shall be determined by the Office of the Council, which shall submit them to the Council for approval. If the Council does not agree such proposal, the members of the delegation shall be elected by and from the Council. If the Speaker or either of the Deputy Speaker is a member of any delegation, s/he shall lead it. Otherwise, the Council shall appoint the leader of the delegation.

Article 106

These Standing Orders may only be amended on a proposal submitted by the Speaker or by any five members. Any such proposal shall be submitted to the Council, which shall refer it to the Legal Committee. Such Committee shall submit its report in a period not exceeding one month: failing such report, the Council may consider the proposal directly. Any amendment shall require the vote of a majority of the members.

Article 107

These Standing Orders shall enter into force upon approval and shall be published in the Official Gazette. Any other related legislation or rules previously in force in Palestine shall be repealed.

القواعد التنظيمية والإجراءات البرلمانية
NDI
المعهد
الديمقراطي
الوطني
للشؤون الدولية
الإقتراحات مسجلة حسب أولويتها
مثلاً " تعليق (اخذ إجازة) رقم ١ "
" موضوع الإمتيازات رقم ٢ "

APPENDIX C: LEGISLATIVE-EXECUTIVE RELATIONS

Terms of Reference
Workshop Agenda
Biographies of International Participants
Program Report

NATIONAL DEMOCRATIC INSTITUTE
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MEMORANDUM

TO: **International Participants**

FROM: **ARD, CPRS, NDI**

DATE: **April 30, 1997**

RE: **Terms of Reference for Workshop with the Palestinian Legislative Council on Legislative-Executive Relations**

I. INTRODUCTION

Thank you for agreeing to participate in this workshop on "Legislative-Executive Relations," sponsored by Associates for Rural Development (ARD); Center for Palestinian Research and Studies (CPRS) and the National Democratic Institute for International Affairs (NDI).

The Palestinian Legislative Council (PLC) was elected January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self Governing Authority in accordance with the Declaration of Principles (signed September 13, 1993) and the Interim Agreement (Oslo II, signed September 28, 1995).

The Palestinian Legislative Council has been meeting regularly since its inaugural session on March 7, 1996. Although the Council has made substantial progress in the first year of its existence, it continues to struggle to have more of an impact on the legislative process, a more important role in overseeing the activities of the government and a more visible and positive image with the public.

The Interim Agreement set forth an unusual model for legislative-executive relations. It calls for a directly elected chief executive (Ra'ees), which is a feature of a presidential system. At the same time, the Ra'ees is a member of the Council (though he is a non-voting member, and cannot be speaker), which bears similarity to a parliamentary system in which Cabinet members participate in the legislature. However, unlike most Parliamentary systems, the Ra'ees is not required to form a cabinet exclusively composed of Council members. While the Oslo II Agreement requires that not more than 20 percent of the Cabinet may be appointed from persons who are not Council members, 33 percent (7 out of 21) of the Cabinet positions were appointed by the Executive. Thus, the Palestinian Interim Self-Governing Authority represents a hybrid of the presidential and parliamentary systems, with unique features resulting from the negotiated

presentations from each of the international participants, followed by questions and answers and general discussions with the PLC members. We ask that you limit your presentations to 10-15 minutes and speak slowly and clearly so that the translators will be able to convey your presentation. We have also planned three sessions in which we will ask you to lead smaller groups where Council members will focus on specific issues relating to legislative-executive relations. In particular, we hope to address the role of the legislature in law-making, and in budgetary oversight of the executive, and the function and importance of question period.

IV. BACKGROUND

A. Palestinian Legislative Council: A Brief Background

1. *Limitations in Jurisdiction*

The Palestinian Legislative Council faces unique challenges and is of enormous potential importance to the prospects for democracy in the West Bank and Gaza. Some of the unique circumstances include:

- the basis for the PLC is an agreement between the Israeli government and the Palestinian Liberation Organization (PLO);
- the Council does not represent a nation state and is a legislature of limited jurisdiction;
- this is the first elected body to represent Palestinians living in the West Bank, Gaza and East Jerusalem;
- and, Israel has a significant degree of control over the lives of the electorate represented by the Council.

For more information, see NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*, enclosed.

The Council faces a number of challenges. Many relate directly to the unusual limitations the Council faces that make it difficult for the institution to evolve into a fully functioning legislative body. The fact that the Council has no antecedent that it is reforming, but rather it is building itself from scratch is noteworthy. Moreover, the Palestinian Authority, in place two years before Arafat and the PLC were elected, is unaccustomed to power sharing. The Council also works in an environment in which its jurisdiction is limited. It is powerless to adopt laws in several areas of importance to its constituents--Israeli government closures of the West Bank and Gaza Strip, expansion of Israeli settlements, and final status negotiations. Public expectations that their representatives would address these issues were raised by campaigns prior to the January 1996 elections which heavily relied on promises of Palestinian statehood with Jerusalem as the capital despite the fact that these areas of interest do not fall under PLC jurisdiction.

2. *Public Perception*

4) To help members understand the monitoring and oversight responsibilities of other legislatures.

III. PROGRAM ACTIVITIES

A. Briefing and Preparations

Accompanying this document is a draft workshop agenda. When you arrive on May 12 we will meet you at the airport (close to Tel Aviv) and take you to Jerusalem (an hour's drive) where you will check into the Ambassador Hotel (telephone 972-2-532-3532 or 582-8515/6; fax 972-2-582-8202). Before we begin the workshop, we will provide you with two days of briefings on the Palestinian political context and the PLC that will include visiting a session of the Council, and meetings with ARD, CPRS and NDI staff, Palestinian political leaders, journalists, and representatives of NGOs. We also hope to provide you with some (unfortunately, limited) time to see Jerusalem.

We will schedule time on Thursday and Friday for an in-depth discussion of our organizations' experience with the PLC and our objectives for this program. Resident staff from ARD, CPRS and NDI will meet with you as a team to discuss the workshop agenda. The agenda in your briefing book will serve as a general guideline that we can modify on the basis of the briefing meetings and as we piece together our collective experience. We hope that Council members will be forthcoming in their questions to ensure that they obtain relevant and useful information from this workshop.

While some Council members speak English, others do not. Therefore, our program will be conducted with the assistance of simultaneous interpreters. We will schedule time before the program begins for you to meet and practice with the interpreters, and we will ensure that they--as well as other interpreters--are available during meals and breaks to help with individual conversations. Please avoid using idiomatic or otherwise difficult-to-translate language in preparing your discussion outlines and making your presentations. (See enclosed NDI publication, *Tips for Training*).

B. Legislative-Executive Relations Workshop

On May 17 and 18, you will be meeting with PLC members to discuss the structure and practice of legislative-executive relations in your legislature. The draft agenda is designed to address the various key aspects of this relationship, and how members can build practical and effective relations with the executive. We will do our best to provide you with the background information necessary for you to have a sense of your audience and, hopefully, an ability to draw attention to examples of legislative-executive tensions that have been resolved in your legislature which may be of utility to PLC members.

As indicated in the attached agenda, the panel section of the program will consist of short

At the same time, the Council also has several strengths. First, most of the members appear to be committed to making the Council an independent legislative body that has a substantial role in determining government laws and policy. Second, Council members recognize the importance of the fact that they are elected. Many have commented that their election provides them with a new form of political power -- verified popular support -- which they can invoke in support of their efforts to oversee the Executive, and in support of their efforts to build a strong institution. Third, the Council has not succumbed to being a rubber stamp for the executive. While it may not yet be optimally organized and strategic, the Council has spoken out against the government's abuses (monopoly practices, human rights abuses, etc.,) and it has debated and adopted laws. The Council has passed the Local Elections Law and the first readings of the Civil Service, Local Government and Monetary Authority Laws. It should be noted that all of this legislation was drafted by the Executive.

Perhaps the greatest challenge is the overarching one of establishing the legitimacy of the legislature itself as a partner in governance. The Palestinian Authority, and its head, Chief Executive Arafat, are not accustomed to scrutiny, criticism or shared decision-making. Arafat is a member of the Council and has consistently challenged the Council's authority, autonomy and prerogative. One hour into the Council's first deliberative session, Arafat stormed out of the meeting because the members declined to pledge their oath of office to him personally. Arafat's attitude toward the Council has not changed significantly from that opening moment. He has repeatedly ignored requests from the Council for cooperation and declined to provide information that the Council needs to complete its work. This problem has been particularly acute in relation to the Council's ability to address key issues. The Council's two major goals for its first session -- confirmation of the cabinet and approval of the Basic Law -- were difficult to schedule because both depended in some part on cooperation from Arafat. As a result, no constitutional framework setting forth the process of law-making is yet in place. Public policy and public spending proceeds without the Council's input.

B. Review of Council Proceedings

The 89-member Palestinian Legislative Council (88 members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council members with a substantially revised set of Standing Orders, which were adopted after a long and, at times, acrimonious, 14-hour meeting. (See NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*).

Subsequently, on April 4, the Council voted to accept the list of the members of the Council's eleven committees. In accordance with the Standing Orders, members requested their committee assignments (a maximum of three) and the Speaker, after negotiations, presented the lists for Council approval.

Public exasperation with the PLC has been heightened by a lack of understanding of the legislative process, as well as a dearth of information about the PLC in the press. In the absence of a clear legislative process and in the absence of an Executive willing to share power or work cooperatively with the legislature, PLC members have relied on passing resolutions to make their political will known to the public and their constituents. Over the last year, members have passed dozens of resolutions calling for a solution of the settlement crisis and the Hebron issue, and on the progress on the final status negotiations. They have also passed resolutions on issues within their mandate. For example, the Council has adopted resolutions urging the executive to stop monopolizing the gravel trade and to release political prisoners held without charge. The Council members are confused about the difference between passing resolutions and adopting legislation; while they craft resolutions instructing or urging the executive to take certain actions, the Council has yet to draft and adopt legislation requiring that the executive act. Council members themselves have expressed frustration that the Executive Authority has not acted upon its resolutions, but their own confusion may well have heightened the public's sense of the Council's impotence. A September 1996 Center for Palestine Research Studies poll, for example, showed that Palestinians viewed the performance of the PLC with less favor than the Palestinian Authority and the Palestinian security forces.

3. *Party Structure*

Another unusual aspect of the Council is that it lacks organized party structures and partisan divisions. Approximately 70 percent of the 88 Council members are affiliated with Arafat's Fateh movement; others are either independent or part of a small group of Islamists. In Council proceedings, however, affiliations are usually muted. The Council has no formal or informal internal political structures such as party caucuses. In some respect this development helps the Council to take a unified stance in support of the institution's independence. At the same time, the lack of party structures has significantly impaired the Council's internal organization and efficiency. When deliberations were conducted over the Basic Law last summer, for example, they involved dozens of points of view rather than two or three or six organized points of view. In the absence of party structures, the Council plenary serves as both a forum for formal deliberation and as a place for the more exploratory discussions that would occur in party/caucus meetings in other legislatures. A lack of clarity and focus results in inefficient and unproductive Council deliberations.

4. *Plenary Procedures*

The Council also has yet to implement efficient plenary procedures. In its consideration of the draft Basic Law, for example it spent endless hours deliberating each article of the text, without any reference or deference to the Legal Committee's recommendations or any limitations on debate. In the end, the Basic Law draft was completely written by an ad hoc "rewording committee" and the whole version was summarily adopted by the Council.

5. *Conclusion*

example, Hanan Ashrawi, Minister of Higher Education, has particular influence both within the PLC, within the Palestinian population at large and presumably within the Palestinian Authority.

The Council has been meeting regularly, except for a summer recess in August, on Wednesdays and Thursdays of each week. Their meetings alternate between Ramallah (West Bank) and Gaza City, although, since the summer, most of the meetings have been in Ramallah. The Council committees generally meet on Mondays and Tuesdays.

The Council's first task, after adopting its Standing Orders and establishing its committees was to adopt a Basic Law, or constitution, for the Interim Period, *i.e.* until final status negotiations are completed (scheduled for 1999). The Legal Committee of the Palestinian National Council (PNC), which is the PLO's legislative arm, had published the Fourth Draft in January, 1996. Just before adjourning for the summer recess in August 1996, the PLC considered the fourth PLO draft and adopted a revised version of the Basic Law. (NDI organized a workshop for Council members on the Basic Law in May, 1996).

The Council had taken up a draft presented by its Legal Committee, debated the draft article by article, submitted it to a special ad hoc (Speaker-approved) "rewording committee" and subsequently adopted the Rewordin Committee's draft. The Council called this process the "first reading" and sent its revised version of the Basic Law to the Palestinian Authority for comment. In discussions with members of the rewording committee about the process, NDI found that the committee members (as well as other colleagues) were not troubled by this process; they find it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. The Council agreed to entertain the executive's comments on the Basic Law; Arafat, however, is apparently not committed to enactment of a constitution and to date, the executive has not responded to the Council's draft. Council members, including the Council leadership, continue to raise concerns about the executive's inaction on the Basic Law.

A similar frustration with executive inaction occurred with the process of the budget. Specifically, while the Standing Orders stipulate that the budget should be submitted at least four months before the beginning of the year (*i.e.* October), the Budget Committee of the PLC did not receive the 1997 budget until March 1997. The executive did not put forth a clear reason for the budgetary impasse, only adding to legislative-executive tensions. This flawed process represented a serious point of contention between the PLC and the executive, to the point that there were several calls from Members to have a non confidence vote in the Finance Minister. While such a vote was never held, it is clear that this process highlights the main frustrations and tensions between the two branches.

That there are Cabinet members who are also members of the PLC could provide the opportunity for stronger links and coordination between the legislature and the executive. However, many of these Cabinet members seem to owe their allegiance to the President more so than the legislature. Some of these ministers, moreover, rarely, if ever, attend PLC sessions. Other Cabinet members, however, were outspoken independents who remain active in the PLC. For example, Hanan Ashwari, the Minister of Higher Education, has particular influence both within the PLC, within the Palestinian population at large and presumably within the Palestinian Authority. Others, however, are outspoken independents who remain active in the PLC. For

1:30 - 3:00 **Presentations from two international participants will be followed by discussion with PLC Members**

See above descriptions.

3:00 - 3:15 **Break**

3:15 - 5:00 **Overview of Legal Framework: Dr. Ahmad Khalidi, CPRS**
Plenary Discussion with PLC Members and international participants

Structure outlined in Interim Agreement and envisioned in Basic Law (August 1996 Draft)

Sunday, May 18, 1997

9:30 - 1:30 **Structural Mechanisms Where the Legislature and Executive Intersect**

The purpose of these workshops is to stress the importance of mechanisms in parliament that reinforce the relationship between the legislature and the executive, particularly in the areas of creating legislation, question period, and the budget process. Our idea is not to encourage an antagonistic relationship between the two branches of government, but to look at the overall interaction between the legislature and the executive, a relationship that should be characterized by both *friction and cooperation.*

We have divided the international participants and the local organizations into specific topics, so please note the area in which we would look to you to share your expertise and knowledge.

Workshop #1: LAW MAKING
Chair: CPRS
Resource: Mr. Dhungana

Legislation from executive
- -what background information should executive provide to Council?
- -what reports should Council provide to executive re: amendments etc.

Legislation from Members
- -what resources do Members require to draft laws?
- -can Council Members initiate laws?

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APPENDIX A

LEGISLATIVE/EXECUTIVE RELATIONS

"GOVERNING IN PARTNERSHIP"

Saturday, May 17, 1997

10:30-12:30 **Welcome by Local Staff**
Introduction of International Guests

International Presentations:
"SHARING THE POWER"

Mr. Damar Nath Dhungana
Former Speaker, Parliament of Nepal

Mr. Christopher Pyne
Member of Parliament, Australia

Mr. Louis Fortis
Former State Representative, Wisconsin State Legislature (United States)

* An overview of legislative/executive interaction;
* Structural mechanisms used to facilitate/manage this relationship;
* Examples of methods used to resolve tensions and conflicts.

Presentations from two guests will be made before lunch, and two after lunch. Discussion with PLC Members will follow each presentation.

We would like this to address the overall framework of legislative-executive relations in your respective systems, as well as the specific mechanisms that are used to manage this relationship. In particular, we would look to you to provide examples of tensions between the legislature and the executive, and to discuss what methods were used to solve these conflicts in your legislature.

The plenary discussion with PLC Members will give you a chance as an international participant to gain insight and hear first-hand the opinions of the PLC Members regarding legislative-executive relations. This will help to shape further workshop discussions.

12:30 - 1:30 **Lunch**

-when should the Council act by law and when by resolution?

We would like this workshop to focus on the roles of both the legislature and executive in the law-making process, and the type of relationship that needs to be fostered to make this an efficient and democratic process.

Workshop #2: QUESTION PERIOD
Chair: NDI
Resource: Mr. Pyne

Ministerial accountability
Information sharing

We want to stress that question period is something that exists in many parliamentary systems, and is a mechanism that allows for Council members to ask questions of the executive (a form of oversight), but also can foster stronger relations between the two branches. Specifically, if there is an institutionalized time during the plenary when information can be conveyed and discussed between the legislature and the executive, it follows that relations could be enhanced (i.e., Members can obtain information from ministers that can be passed on to their constituents).

Workshop #3: BUDGET OVERSIGHT PROCESS
Chair: ARD
Resource: Mr. Fortis

Roles of the Budget Committee and the PLC
-Analyzing and amending the national budget
-Monitoring government expenditures

We would like you to focus on how a budget is developed and government expenditures are monitored, and the respective requirements of and resources needed from the legislature and the executive in this process. What is a realistic time-frame for this process? How are amendments processed?

1:30 - 2:30 **Lunch**

2:30 - 3:30 **Closing Remarks by Internationals and Members**

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The Honorable Mr. Daman Nath Dhungana

Mr. Dhungana has served in public office in Nepal since 1991. He was elected as Member of Parliament in 1991 and also as served as Speaker of the House of Representatives from 1991 to 1994. Mr. Dhungana played a key role in drafting Nepal's 1990 constitution and was a Member of the Constitution Recommendation Commission. Mr. Dhungana was the Vice President of the Nepal Human Rights Committee on the Nepal Bar Association. He has been an ardent campaigner for better, more transparent government in Nepal and was the chief spokesman of the Nepali Congress Party on the eve of the Pro-Democracy Movement in 1990. Mr. Dhungana is a lawyer by profession.

The Honorable Mr. Christopher Pyne

Mr. Pyne has served in public office at the state and national level for many years in Australia. He was elected to the House of Representatives in 1993 and 1996. He is a current Member of the Financial Institutions and Public Administration House Standing Committee and Employment, Education and Training House Standing Committee. He was a former Member of the Aboriginal and Torres Strait Islander Affairs, Transport Communications and Infrastructure, and Legal and Constitutional Affairs House Standing Committees. From 1994-1996 he also served as Parliamentary Secretary to the Shadow Minister for Social Security and Seniors. He is the Chairman of the Australia/Israel Parliamentary Group. Mr. Pyne is also a Member of the Commonwealth Parliamentary Association and Inter-Parliamentary Union. By profession, Mr. Pyne is a lawyer.

Mr. Louis Fortis

Mr. Fortis is currently the president of The Fortis Group, an economics and business consulting firm in the state of Wisconsin. From 1987-1993, he served a representative in the Wisconsin State Legislature, where he was chairman of many committees, including Financial Institutions and Insurance Committee, Select Committee on Health Care Financing and the Joint Survey Committee on debt financing. Prior to that, Mr. Fortis was the Executive Director of the Wisconsin Commmunity Development Finance Authority. In addition to Mr. Fortis' legislative experience, extensive work in management and business development, and international consulting experience, he has also taught university courses, published economics reports, and has participated in numerous conferences on issues relating to community economic development.

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Legislative-Executive Relations

A National Democratic Institute for International Affairs Workshop

Nablus
May 17-18, 1997

INTRODUCTION

On May 17-18, 1997, The National Democratic Institute for International Affairs (NDI), in conjunction with Associates in Rural Development (ARD) and the Center for Palestine Research and Studies (CPRS), hosted a workshop in Nablus for members of the Palestinian Legislative Council on "Legislative-Executive Relations: Governing in Partnership." This document is a report of the workshop deliberations.[1]

The Palestinian Legislative Council (PLC) has been meeting regularly since its inaugural session on March 7, 1996. Although the Council made substantial progress in the first year of its existence, it continues to struggle to have more of an impact on the legislative process, a more important role in overseeing the activities of the government and a more visible and positive image with the public.

Rationale and Program Goals

This workshop followed previous work undertaken by NDI and the PLC, which included an assessment and report of the first two months of the Council, and a workshop held in May, 1996, on constitutional issues and the Basic Law. NDI's current work with the Council, including this workshop, is part of a 18-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed around a series of workshops led by international participants on different components of legislative development, including the role of committees, plenary procedures, legislative-executive relations, and constituent relations. For these workshops, comparative legislative materials in Arabic are distributed to Council members.

In addition to the workshop series, two study missions have been organized for select groups of PLC members to visit other transitional legislatures to see sessions first-hand. To supplement these activities, NDI disseminates legislative materials in Arabic, and provides on-going consultations with Council members, including responding to requests for information about legislative issues in comparative contexts.

The goal of the workshop on legislative-executive relations was to bring PLC members together with a select group of legislators to discuss the various facets of legislative-executive relations, particularly in the areas of oversight and accountability, and how this relationship is characterized by conflict and compromise.

Twenty-seven members, from a cross-section of committees and from throughout the West Bank and Gaza, attended the workshop.

To facilitate discussion and present models from other legislatures, international

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[1]The agenda for the workshop is included as Appendix A.

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Saturday, May 17
Morning Session

Sean Carroll
Chief of Mission
National Democratic Institute

Welcome and thank you for being here in Nablus with us for this workshop on legislative-executive relations. I will not give you a long introduction to NDI as there is information about the Institute in your welcome packets.

In the more than 10 years that I have worked for NDI, we have witnessed and lent a helping hand to democratic transitions in 89 countries. It is NDI's belief that accountability is one of the keys to democracy. This includes accountability between citizens and institutions, between you and the people who elected you as representatives, and between the legislature and the executive.

We believe, as I know you do, this is a very important issue. We recognize, though, that we have asked our international resource people to do a difficult thing -- we have asked them to come here and talk about legislative-executive relations in the absence of a Basic Law that would help define the relationship between the legislature and the executive. This is a difficult, but not an impossible task. In South Africa two years before there was an election law or a date set for elections, we worked with South Africans on voter education. Our cooperative efforts eventually led to the South African elections commission designing a ballot that was based on the mock ballot paper we used in these voter education workshops.

Before this seminar, we asked the international participants to look at our report of the workshop on the Basic Law that NDI conducted with PLC members last summer, and also at our transcripts of the PLC meetings of shortly after that seminar when you were debating the Basic Law. Those reports remind us that while you continue to struggle to define the terms of the Palestinian Authority, you also have an opportunity, as a legislature, to set precedents that help to set the terms. Just as the South African civic groups and activists helped show their own election commission the way, by setting precedents now for effective accountability and oversight of -- and for constructive relations with-- the executive, you can help show the way to effective, democratic decision-making. In this case, not just the Palestinian Legislative Council and the executive of the executive of the Palestinian Authority will win, but so will the Palestinian people.

Before closing, I would like to thank the Associates in Rural Development and the Center for Palestine Research and Studies for joining us in hosting and organizing this workshop.

Mr. Chris George
Chief of Party
Associates in Rural Development

We are happy to have you here with us today to discuss this important topic. Our organization, Associates in Rural Development, is working with the PLC over the next three years in three broad areas, including constituent relations, legislative drafting, and the topic of our workshop today, legislative-executive relations.

Dr. Ahmad Khalidi
Director
Parliamentary Research Unit
Center for Palestine Research and Studies

Thank you for being here today and welcome. We hope to share with you over the next few days the experience of parliaments from around the world. The Parliamentary Research Unit (PRU) is part of the Center for Palestine Research and Studies, which was established four years ago. The Center undertakes political, economic and strategic studies -- topics integral to institutional development. The PRU, developed last September, focuses on legal studies and review of legislation.

Ms. Myrna Phillips
Director, PLC Program
National Democratic Institute

Our guests have a wealth of information, and will present a variety of international models. They have spent the last week meeting with various Palestinians, including NGO leaders, journalists and district officials.

We want to look at the issue of legislative-executive relations in a way that will be helpful, not confrontational. Often the relationship between the legislature and the executive tends to be looked at in this way, but this is not always the reality. I would ask our guests to look at the cooperative aspects, ways that the legislature and the executive intersect, in areas of drafting legislation, the budget process, and the like. Inevitably, there are tensions in this relationship, but we want to work out ways to overcome this, and if we can pass on ideas and suggestions to you, then we have succeeded.

Mr. Damar Nath Dhungana
Former Speaker, Nepali Parliament

I would like to begin by bringing a message of peace and prosperity. Like you, we have suffered a great deal in Nepal -- seven years ago, we had no democracy, no basic rights. Now, we have democracy, but poverty is eating away at our democracy. Since we are a new democracy, we are in a transitional period, and that is why I am interested in being here. Transition is a very difficult time -- you can see the difficult past, while holding high expectations for the future.

I would like to focus on three things: the principle of legislative-executive relations, your

situation, and what mechanisms are possible under your circumstances. I would also like to touch briefly on my experience as Speaker of the Nepali Parliament.

We know that a legislature needs to represent the will of the people, which is based on the principle of separation of powers, but the legislature and the executive are also interdependent. This is a basic characteristic for a parliament to be a real, democratic legislature.

Unless there is a constitution, it is difficult to know the guiding principles of a legislature. Rules are not enough. You have passed the first reading of the Basic Law, which is now with the executive. The president has reasons to delay its approval, but as members of a legislature, this is a point of frustration. In practice, it will be difficult to assert yourselves and to enact other legislation without the Basic Law. So, what devices, strategies can you use to get the Basic Law passed? First, the media should be used, as well as pressure from interest groups -- everyone must be working together on this issue. There is a role for all members, including the speaker, in this process. I think that the Council needs to take the initiative, and can start with informal meetings. These meetings can be conducted with the speaker, members of the executive, and public pressure must be existent as well. This task is very challenging, but not impossible, as other parliaments have achieved this.

Let me talk a bit about my experience regarding the development of the Nepali Constitution. I was on a Constitutional Committee. There were three members from the Communist Party on that committee, and they were always cooking conspiracy theories, so we organized a meeting with other members to work on drafting a constitution, noting the importance of setting up a legislature first, then focusing later on the separation of power between the authorities.

Right after being elected, our Prime Minister signed a treaty with India about water, and this was supposed to be ratified in the Parliament. But it was not, so it led to pressure for the Prime Minister to come before the Parliament. The Communist opposition worked hard to stop the agreement with India. I tried to find a solution to this problem, and finally, I met with the opposition group. The Communist Party decided to end their work with the Parliament as long as there was an agreement with India. This was a very serious situation; ultimately, I convinced them to attend a session with the prime minister, and to work together to find a solution to this impasse.

Questions and Answers

MPLC (member, PLC): While some members of the Nepali Parliament were demanding the resignation of the Prime Minister, that cannot happen here. Different than the case with India, the Palestinians are constrained by agreements, by the Israeli government, and the fact that there is still no Basic Law. The Council can only work through the people, and with the media, which still is not on the side of the Council.

Mr. Dhungana: You need to develop a strong public opinion in favor of the Basic Law, because

with this, the executive will not be able to bypass the legislature, and you will get what you need. The members of parliament need to listen to the people and stay strong -- if you appear desperate, the link with the executive will be broken.

MPLC: Did the prime minister ultimately succeed in not presenting the treaty before the Parliament?

Mr. Dhungana: The prime minister and the parliament were not enemies--they were part of the same institution. I see similarities with your case because the PA is part of a parliamentary institution, so Arafat is accountable to your institution. In terms of the agreement, a committee was formed and focused on it for six months.

MPLC: [highlighting the [political, economic] constraints facing the Palestinians in their unique situation] We still do not have any independence, and this constrains us.

Mr. Dhungana: Freedom is required, but no one will give it to you -- it is derived. Legislation, including the Basic Law, is needed to counter the occupation. Concerning international agreements, I spoke about the deadlock in Parliament with respect to ratification. According to our Constitution, there were three possible scenarios. The first is that the government does not have to submit agreements to parliament; the second is that an agreement needs a simple majority, and the third is that it needs absolute majority approval. The dispute was over the role of the Parliament in the Constitution.

MPLC: When the problems happened between the Prime Minister and the Parliament, were you in the ruling party? Does the speaker in the Nepali Parliament have to abandon party affiliation?

Mr. Dhungana: When I was speaker, people said that I sided too much with the opposition, while my neutrality was disliked by my party.

Ms. Phillips: At this point, I would like to turn to Mr. Fortis.

Mr. Louis Fortis
Former State Representative
Wisconsin Legislature (US)

It is an honor to be back here again with the founding fathers of the Palestinian Parliament. I come from a very established parliament where things are much easier for me than for you or in the case of Nepal. I was asked to discuss the separation of powers model from the United States, which is different from the parliamentary model. Yours is a mix of both. I was asked to talk about what can be done during this transitional period, given that there are many obstacles. The United States model is the separation of powers; that is, no one from the executive is part of the legislature and vice versa, and this is set forth in our constitution. There are two different models of legislative-executive relations within a separation of powers model:

1) the executive can be from a different party than the legislature--this means that the two parties constantly battle each other.
2) the legislature and the executive are from the same party. The problem here for a legislature is to figure out how not to be ignored.

I want to talk about the second scenario. Maybe political party differences will develop here over time, but for now, what is important is the development of the strength and integrity of legislative-executive relations without damaging the relations along the way. Lots of communication and negotiations are needed between the speaker and the executive, but you also need to have power to negotiate.

There are three ways, in the separation of powers model, that a legislature has power (in other words, that require the executive to negotiate with the legislature):

1) Budget Process
2) Committee Hearings
3) Media

Regarding the budget process, the legislature controls the budget, but the executive, in all systems, writes the budget. In the budget, priorities are set, new programs developed, and initiatives set forth -- the Wisconsin State [budget] document is over 1,000 pages long. Since the budget is the only bill that *has* to be passed every year, even non-budget items are attached to the budget bill.

Once the budget goes to the legislature, the negotiation process between the legislature and the executive begins. This is a big negotiation process between the two branches of government -- generally, four to five months is spent on this. In many states, the governors have line-item veto power, which strengthens their bargaining position. If you as the legislature gain control over the raising of taxes, dealing with expenditures, then the executive *must* deal with you. I would like to add that the work in the PLC Budget Committee is already showing that they will not be a rubber stamp in this process.

The second important area is committee hearings. These are a very important mechanism, and I want to talk about how they can be used to set priorities, investigate, and conduct oversight of the executive.

As the Council, you can set up hearings to talk about the priorities of the Council. In addition, hearings can be used to educate people and let the public know what is going on. Hearings are very powerful, and you can shape them according to how you want the message to be developed and disseminated. In the United States, hearings are also used for investigatory purposes.

The US Congress has access to *all* documents of the executive (except for some national security files). In addition, the Congress has subpoena power and can force someone to come and speak

before the Congress.

The oversight role of a committee is used when there is a feeling that a government program is not efficient. A committee can investigate the issue, consult with the public, and question the executive to hold them accountable.

The third area is the use of the media. This is a very powerful tool in a democracy. In the United States, elected officials have to learn how to use the media -- their messages have to be simple and clear, as well as focused. In Wisconsin, the Governor was hiring a lot of his cronies, which was an important issue, but if we talked about other issues at the same time, the main issue would be lost. Netanyahu has learned this -- the one issue for him during his election campaign, which assisted in his election, was that Peres would be weak in the negotiations. If we were in your situation (i.e., without a Basic Law), this would be the only thing on which we would focus -- members would make continual speeches about not having a Basic Law, and then the Council would adjourn. If you were to tell everyone that the PLC will not do any more work without a Basic Law, you would then be turning it into *the* issue (by properly using the media), and the executive would eventually have to deal with it. It takes a lot of self-discipline not to talk about other issues, but it is very important.

Finally, I want to add how important it is in a new council for members to foster stronger links with their constituents -- it is critical that you, as elected members, do not lose your popular base.

Afternoon session
Legislative-Executive Relations in Practice

Ms. Phillips: I would like to ask Mr. Pyne to share his perspective with you on the following questions:
1) What are the different aspects of legislative-executive relations in Australia?
2) How do legislative-executive relations work in practice?
3) What are some examples of how tensions are resolved in legislative-executive relations?

Tomorrow, we will look at more specifics of legislative-executive relations.

Mr. Christopher Pyne
Member of Parliament, Australia

There are two aspects of legislative-executive relations on which I would like to focus. One, how non-government members of parliament (i.e., the opposition, which is two-fifths of the parliament currently in Australia) relate to the government. Second, how members who are in the government party but are not in the cabinet (i.e., backbenchers) relate to the executive.

Before going into examples, I want to describe the Australian system -- which is modeled on Westminster with aspects of the US system. We have a bicameral, two chamber legislature, and

there is a separation of powers between the legislative, executive, and judiciary branches. They are all part of one system, but they are independent from one other. The executive is chosen from within the parliament -- the prime minister is the leader of whichever party has a majority. Legislation is initiated by the executive; although, in some cases, private members can initiate legislation. When the executive presents a bill, it does not go directly to parliament. It goes to the party (committee, then party caucus) before it goes to the plenary. There are two types of parliamentary committees: one, a committee which has members from different parties, and two, committees composed of just members of the majority party, and are part of the lower house. The first type deals with legislation once it reaches the plenary, and the second can block legislation at the lower level before it reaches the plenary.

The legislature has four types of redress with the executive:
1) question time
2) committees (parliamentary and party)
3) all members of the executive are part of the parliament; therefore, members have a lot of access to ministers
4) power to remove executive. In my party, for example, it isn't unusual for the leadership to change, and for a new person to become prime minister. So, if a party feels that they are not being listened to, or ignored, they have the power to change the system.

In Australia, the opposition is very powerful, particularly during question time. During this time, important issues are discussed, and the media is present, which allows for serious scrutiny of the executive and pressure for transparency.

Next, I want to look at how tensions are resolved in the executive-legislative relationship.

1) Parliamentary tension: before the last election, the liberal party announced that they would sell one-third of Telecom (important, because communications are so important in our big country), a deal worth eight million Australian dollars. When we won the election, we introduced legislation to do this. Because of our system, what was important was to convince the Senate (upper house) to pass this (it was already passed in the lower house). We had to change minds and convince the independents. Therefore, we allowed an investigatory committee to be formed within the Senate (not just of the majority party members). Then, the government gave concessions (i.e. promises of infrastructure development in return for support of the bill). Eventually, after much negotiation, the bill was passed.

2) In 1975, our party controlled the Senate, and we blocked the budget. This brought about a crisis because the government ran out of money. The governor general used power to bring down the prime minister, then the Labor Party gained control. This is an example of the parliament exerting rights over the executive. That the legislature had power of the budget is important, and something not unusual.

3) Intra-party tension -- this related to a cable installation issue. There was a concern in our party

about environmental issues. The executive drafted a bill, and our party caucus rejected it three times. Eventually, the bill was changed by the executive. So, in your system, it would be like a Fatah PLC-faction disagreeing with the Fatah executive, and forcing legislation to be changed before it is passed.

From these examples, I wanted to illustrate two methods of power. One is parliamentary, and the other is intra-party, and this latter method might be the more powerful of the two.

MPLC: There are two transitional aspects which shape and affect the work of the Council. One is the transitional agreements with the Israeli Government, and the other is the internal transition from a revolutionary to a democratic system. This transitional system affects economic and financial development as well -- there are problems with the budget, with closures, and delay of funds from the international community. Given these circumstances, do you have any suggestions?

Mr. Pyne: The Australian model is one of the most democratic; therefore, I was discussing an ideal model. In terms of suggestions for the PLC, based on the last four days of briefings I have had, it is clear that there are a lot of powers for the Council in your Standing Orders, but those are not being used to their fullest capacity. It is better to work towards goals, objectives within your power, and not focus on things over which you have no control.

MPLC: In terms of the Basic Law, Israel does not even have one. Therefore, the PLC should focus on other laws, and there should be a mechanism to force the executive to implement laws.

Mr. Pyne: I agree with you -- it would be better to focus first on more limited goals (i.e. focusing on legislation already within the ministries), and having specific objectives.

Mr. Fortis: The point I was making regarding the Basic Law is the importance of focus; that is, to have one-two major issues (not 20) on which the Council focuses to have one clear voice. The Basic Law is the groundwork, foundation. Therefore, this is probably the most important thing on which to focus, particularly since other legislation will be based on this. Unless there is a Basic Law explaining the rules and roles, it is hard to do much of anything else. Regarding the budget, you as Council members should feel proud because the PLC eventually received the budget from the executive, because of pressure.

MPLC: While the information provided by the internationals is interesting, the situation facing the Palestinians is indeed quite different. In the Council, while there are many members of the executive, they are not representing the needs of the people. Moreover, that the Palestinians are still under occupation means that it is not a true democracy.

I wonder if it is better for the PLC to have the majority of ministers from the Council or not. While we would not want a situation where the ministers would not cooperate with the legislature, we also face a problem whereby the executive does not implement most of the PLC's

decisions. How can we make the Council more effective?

Mr. Pyne: I think you have made a good point. If the PLC stands against the Palestinian Authority (PA), then this does show weakness vis-a-vis the Israelis. This is why I talked about internal party committees, where the information is not leaked, so that there can be private discussions. If there is tension, it can be kept within this committee, and you do not have to fear about appearing to undermine authority.

Mr. Fortis: Many decisions need to be made now, even though this is difficult to do. There is a need for the Basic Law and a need to establish the integrity of the Council (by pushing for the Basic Law and receiving it). This is more important than the Civil Service Law, for example.

MPLC: The uniqueness of the Palestinian case is something very important to understand, and cannot be fathomed by people who only visit the Council once. The issue isn't just legislative-executive relations, but the fact that there is no consensus *within* the PLC. For example, if the President vetoes the Basic Law, will the PLC vote in unity? The PLC members have lost confidence in their ability to change the situation. For example, the PLC passes many resolutions. Many members might support a resolution originally, but then it is never discussed again. Members also face a problem of lack of confidence from the public. One way to regain the trust of the public would be for the Council to call for an immediate national dialogue, since people do not trust political parties anymore -- it is the Council which is the political voice. The Council should start with an internal dialogue, then engage in a dialogue with the executive.

Mr. Pyne: I agree with you that this workshop will not provide solutions for all of the problems you raised here, but there are important things that the Council *has* achieved (e.g. the oath before the PLC, not the president), and many questions you raised once you achieve the main goal of an independent state.

MPLC: What is the power of the PLC over the budget? I understand that a parliament usually does not have control over government expenditures. Therefore, what can the PLC do?
My second question is the following: I understand from Mr. Pyne that most legislation in the Australian model comes from the executive, so the opposition seems to play a minimal role in this process. If the opposition comes to power, how do they change laws? In general, moreover, how are laws amended in the Australian Parliament?

Mr. Fortis: If you are in a situation in which the legislature is changing the budget (like the PLC now), it makes sense that it would go to the whole plenary. It is critical at that point for the Speaker to be the liaison between the legislature and the executive. Focusing on issues like health, education, is easier than larger issues relating to negotiations.

Mr. Pyne: The Opposition in Australia recently came to power after eight years as a result of the elections. The mechanism you ask about is the process for changing old laws or drafting new ones when the opposition becomes the ruling party. Amendments can be made, or, if they are too

complex, then you would suggest drafting a new bill.

Mr. Dhungana: Despite the fact that we are a parliamentary system, there are still questions that need to be answered by the cabinet with respect to government expenditures. One of the powers that a parliament holds is approval of the budget.

Ms. Phillips: I just want to add that in Canada, if you wish to improve or change an existing piece of legislation, you can pass "an Act to amend an Act."

MPLC: The principle of the separation of powers is very important, but in the Palestinian case, this refers not only to the powers of the legislature and the executive, but the overlap between the PLO and PA as well. This overlap/confusion affects the work of the PLC, and we need extraordinary management to handle this. How can the PLC establish a good relationship with the executive under these circumstances? Also, how can we have an effective parliament without having a state, and dealing with an Israeli government that does not implement UN resolutions?

Mr. Pyne: While we will be more specific tomorrow about the various mechanisms in legislative-executive relations, I would say for now that the first thing is to understand the problem. Then, to figure out what can be done within the constraints, and determine suitable solutions.

MPLC: The PLC is an elected council with responsibility to enact legislation and to oversee the executive, and the Israeli role should be downplayed. It is important to face the topic at hand -- legislative-executive relations and the principle of separation of powers -- which is problematic in that an independent judiciary has not yet been formed. The executive as a whole is in a special situation because it centers around the powers of the Palestinian Authority head, who is both the president and the prime minister. One additional problem is that the executive cannot be held fully accountable (i.e. the president cannot be impeached). The lack of party discipline makes legislative-executive relations difficult, because on any issue, there are up to 88 different opinions, which makes the Council look weak and disjointed vis-a-vis the executive. Finally, the absence of a Basic Law makes this relationship even less stable. The Council should focus on the passage of the Basic Law, as the absence of this will mean continued conflict with the executive. While the passage of the budget helped legislative-executive relations, this was not sufficient, and increased dialogue with the executive and use of the press is needed as well.

MPLC: Approximately two-thirds of the Council are from the ruling [Fatah] party, but there are still members of the opposition. What is their role, particularly in terms of the executive implementing the resolutions of the Council?

Mr. Fortis: In our system, the executive and Congress (majority) are not currently from the same party. If you don't fight on the differences then what is the point of negotiating on the next issue?

MPLC: The PLC has only taken the general form (not content) of democracy, and there cannot be true democracy under continued occupation. Given the lack of political parties, and economic

independence -- how can the executive be pressured? In addition, the lack of an independent media makes executive pressure hard. How can we force the executive to uphold the Council's decisions?

MPLC: If the goal is to strengthen the Council and democracy, then there must be an understanding among members of the situation. The Council is not new in the sense that its members *were* leaders, politicians, and have vast experience. One thing that I learned today is how to be more patient as a legislator, and not always be in conflict with the executive.

The problem we now face is that the Oslo process has come to a standstill, and the Israeli government is ignoring the PLC (e.g., our VIP status is ignored at checkpoints, and we are treated like second-class citizens, not parliamentarians). The problem is not with the executive or with the PLC but with the people who supported the peace process and are no longer doing so. There is no confidence, and we are prisoners of the unknown. We have no idea of the future, and we cannot have democracy with occupation.

But, I think we, as the Council, are defending the people, and *are* passing legislation. We look forward to continued support from the organizations sponsoring the seminar here today.

Mr. Fortis: I want to respond to the concern voiced that the PLC was not able to be completely involved in the budget process because the source of revenue is uncertain (i.e. foreign aid). When I was the head of an NGO, I did not know how much revenue I would have. Since there is no way to know for sure, I needed to estimate and adjust the budget process. Expenditures are what make things happen; therefore, even though it is difficult and uncertain, you still need to participate in the process. One critical thing for the Budget Committee: put your priorities in the budget and focus on efficiency. Make sure that you are achieving and demonstrating results -- this is where public hearings are important.

Regarding the media -- if you are dealing with an important issue, you need to be very focused, and to develop a simple message for the press and feed it to them. In response to the concerns expressed about how democracy can develop under occupation: go back to your constituents and lower their expectations so they understand.

Mr. Pyne: In response to the question regarding the credibility of PLC members: I was elected by the people, and you, as elected members, hold great status among the Palestinian people. If you are failing to get an issue through the use of the media, you can get the message out through grassroots (e.g. visiting constituents, etc.). Now that you are elected, you only have a small step to take to getting issues across.

Regarding *strengthening legislative-executive relations through public support*: this is a very important idea that, in democratic societies, is probably the best way to both strengthen and clarify the relationship with the executive.

Mr. Dhungana: I want to respond to the question about the opposition bloc in the Council: while you do not have clear party lines, an opposition can evolve, even within the same party. Indeed, it is part of democratic culture for members of the same party to disagree on certain things. The opposition is there to encourage dissent, even during votes.

Dr. Ahmad Khalidi
Director, Parliamentary Research Unit
Center for Palestine Research and Studies

On this topic of legislative-executive relations, I want to focus on three things:

1) Is the relationship between the legislature and executive one of conflict or cooperation?

2) What are the multiple sources of laws and models in Palestine?

3) What is the division of powers between the executive and the legislature in draft Basic Laws.

During the occupation period [1967-1994], international law did not give Israel power to legislate except in areas of military and security. However, because of military orders issued by Israel, the legal regime in the West Bank and Gaza came closer together.

Post 1988: Legal responsibilities return to the Palestinians following the agreements signed during the interim period.

1993: Recognition of the legal and political rights of the Palestinian people. However, there were restrictions placed on the Palestinian Legislative Council. There is a clear recognition of the PLC legislative powers in the Letters of Mutual Recognition. The Preamble of the Interim Agreement, however, recognizes the legislative power of the PLO.

There are examples of other constitutions which limit the sovereignty of the state (i.e. in the Italian Constitution, there are limits on the Italian Government's ability to wage war).

Restrictions imposed on the PA by the Agreements are directed at legislation that contravenes or are contrary to the terms of the Agreements. The PLC may issue all other laws that do not contravene the Oslo Agreement.

International law says that the international recognition of a state does not automatically confirm upon a state its statehood. Other factors are necessary, such as the internal power to legislate. Moreover, non-recognition of a state does not undermine its authority to issue laws and to legislate.

The PLC's legislative authority comes from elections. On the issue of the Basic Law, there can

be a *set* of basic laws which have the effect of a constitution, as is the case in Israel. The PLC could adopt basic laws in different areas. The promulgation of general laws can cover the gap by virtue of the absence of a basic law. A reexamination of the Jordanian and Egyptian laws is necessary in order to unify the legal system in Palestine.

The PLC oversight of the executive's budget cannot be effective without a Budget Law. Even if this law is limited, it is important for overseeing the executive (i.e. monitoring budget expenditures).

The PLC can have full authority to legislate by virtue of adopting laws giving the PLC this power. The PLC also has power vis-a-vis the executive in the areas of: investigation, no-confidence, questioning and interrogation. The threat of a no-confidence vote in the executive can be a useful oversight tool.

MPLC: The existence of two constitutions in the West Bank and Gaza does not cater to the establishment of a Palestinian state. While the Jordanian and Egyptian constitutions have been used to control Palestinians in the West Bank and Gaza respectively, a Basic Law for the interim period can help to unify different legal systems. As there are three Palestinian authorities (legislative, executive, judiciary), we need laws to set out their powers and independence.

MPLC: The speaker said there are other ways besides the budget that the Council can conduct oversight -- what are these?

MPLC: Regarding the Basic Law, for precedents to become norms, they have to happen more than once. We want to be ruled by norms, not customs. How can precedents be established and respected by the executive?

MPLC: The speaker was referring to norms "in the popular sense." That is, the PLC, with a two-third's majority, can pass a law after the legislation has been with the executive for 30 days. The legal situation is ambiguous not because of a void, but because of duality. Because of this, there needs to be unity of laws between the West Bank and Gaza, one Legal Department within the PLC. The PLC should focus on the Independence of the Judiciary Law, as the existence of such a third power will help the democratic process.

In my experience in the PLC, I cannot recall a time when the limitations of the Declaration of Principles represented an obstacle to the work of the Council, and this should not be used as an excuse.

Dr. Khalidi: I will start with the comment that there are two sources of law -- these can be of benefit to you, as you can use the authority from these two systems. As you know, these systems are still in effect. Regarding the Basic Law for the interim period, this does not mean that all provisions of the law must be interim -- some can last longer.

In response to the comment that the PLC is not a true legislative body: that the PLC derives its authority through the people, through democratic elections, proves that it is truly a responsive legislature.

As for international law (and agreements) taking precedence over internal law, this is not always the case. What is in the agreement does not necessarily take precedence over PLC laws.

I agree with the suggestion that the Council focus on the Independence of the Judiciary Law. I also agree with the comment that there is not an absence of laws. What I meant by "customary laws" are rules that have been in place from which we can draw in the absence of a constitution.

MPLC: Dr. Khalidi mentioned how the Council could benefit from the constitutions already in place in the West Bank and Gaza, but these might give more power to the executive. The solution is a unified law between the West Bank and Gaza, one not imposed on the people.

Dr. Khalidi responded by saying that the existing legal structures cannot be canceled. The constitutions of 1952 and 1962 are existent and will stay so until annulled, and the executive can use them, as can the Council.

Sunday May 18
Morning Session: Structural Mechanisms Where the Executive and Legislature Intersect

Ms. Phillips: I want to start with a few comments from yesterday. I think we had a very good discussion about general issues in legislative-executive relations. Today, I would like to focus on three specific areas. We realize the constraints of the Oslo agreements and the continued political difficulties, but we would like to focus today on what can be achieved, despite these obstacles. A legislature is here to legislate, to act. All of you ran for election because you want to implement, change things and make decisions. Today, our guests will talk about three areas in which goals can be accomplished.

I want to comment on several things. First, when Mr. Dhungana was elected, the entire legislature and executive were new, similar to the situation you are facing. But, as one member mentioned, you are already bringing a lot of collective experience to the PLC. You have the skills that match any other member of parliament in the rest of the world. I do not think you should view yourselves as having failed in the first year -- democracy is a slow process, and it takes four to five terms to determine whether a legislature is a success. So, there is a need for patience. Probably if you did an assessment of where you were a year ago, you would realize that you have learned a lot. Today, in our discussion about law-making, question period and the budget process, we hope you will feel that you have learned more.

The first area of discussion is law making. You spend a lot of time on this in your legislature. We hope to look to other models to increase the efficiency of this process and to cooperate with the executive to accomplish goals.

Mr. Keith Schulz
Senior Technical Advisor
Associates in Rural Development

Law-making is the most important aspect of what a parliament does. The fundamental principle of law-making is problem-solving. Different parliaments have different systems. For example, in the Westminster model, the executive controls the legislative process (the executive submits legislation to the legislature which enacts it). In the Congressional system, the legislature initiates. In Palestine, there is a hybrid of the two systems -- both the legislature and the executive can initiate legislation.

The question for today is how the legislature and the executive can cooperate in the law-making process. We want to ask our international guests how the legislature and the executive can effectively work together to develop legislation to solve problems.

Mr. Dhungana: There are several issues I would like to touch upon. The first is the notion that members of both the executive and the legislature are responsible to do their best in the area of drafting laws, and that both conflict and cooperation characterize this relationship. Moreover, on the issue of drafting legislation, it is critical that members have [legal] resources to do this, and that members are given enough time to review draft bills before the debate. The second idea is the critical role of the speaker in balancing the ruling party and the opposition.

In the first year of the Nepali Parliament, only 25 bills were passed. The government thought that the delay on the part of the Parliament was a filibuster, but this was not the case.

Finally, I would like to emphasize the importance of ministers attending the sessions of the PLC. In Nepal, ministers often like to pretend that they were too busy for the Parliament, but this is unacceptable, and you, as legislators, should make sure this does not occur here.

Mr. Schulz: In essence, what you have expressed is that the legislature must take an active role in the legislative process, and that, according to the Standing Orders, the work of the parliament regarding legislation should take place in the relevant committee. In addition, it is important for the minister, representative of government, to be present to explain and defend the draft law.

Perhaps we can talk more about the role of the executive coming to the legislature to present views and discuss the purpose and background of legislation. Myrna, I believe that all draft laws that come to your [Manitoba] parliament have reports?

Ms. Phillips: In Canada, where we follow the Westminster model, ministers present the bill and give a bill summary to members about the principle -- the "why" and " how" of a bill. With this, members can discuss the principle of a bill before the line-by-line debate. I recollect that with your Monetary Authority draft law, there was some confusion regarding the principle of the bill. In our system, the finance minister would have introduced such a bill, and spoken to it in second

reading to make the principle clear to all of the members. Some members might not agree with every article of a certain piece of legislation and that is dealt with later; but first, the majority must agree to the principle.

The debate in our second reading focuses on principle. Any member can participate in this, but the line by line consideration of amendments occurs in committee between second and third readings. The important thing is that there is communication and understanding between the legislature and the executive. Also, once a bill (a draft law is called a bill until it is passed and then it is called an Act of Parliament) is printed and distributed at first reading, members and the public can discuss it formally and informally -- both of these channels are important.

Mr. Schulz: If I understand the Council's Standing Orders correctly, draft laws from the executive should have a preamble.

MPLC: The bills submitted by the executive are accompanied by a preamble and explanatory note.

Mr. Schulz: The Council has the ability to control the legislation it considers. If it expects the executive to include a more extensive explanatory note, it can push for this. Once the bill is discussed in committee, are the ministers in attendance, Chris?

Mr. Pyne: In the first reading, the bill is introduced to the parliament. Then, after second reading, it goes to committee stage for line-by-line consideration. For that entire time, the relevant minister will be present in the House. Votes on amendments are held immediately.

MPLC: Not all of the bills presented to the PLC from the executive contained a preamble and explanatory note. The legislature lacks experience in drafting legislation, and the executive has even less experience in this area, and this is troublesome because all of the laws come from them. Bills are not given sufficient attention. It seems that eighty percent of the bills that have been passed have been changed by the Council. The bills that we really needed were not prepared well by the executive, and so members end up developing ideas into a draft bill on their own.

MPLC: In addition, when the Office of the Council receives the bill, it is first sent to committee. After that, it is presented to the plenary. However, there is a problem with this system, because a minister can prevent a bill from being voted on ("withdrawing a bill"). This is part of our Standing Orders. We tried to change this, but were unable to do so.

Mr. Schulz: In a parliamentary system, the government does not have the power to withdraw a bill.

Mr. Pyne: Once a bill is presented to the parliament, it is in control of the House, and ministers can only withdraw a bill with the approval of the House.

Mr. Dhungana: Regarding the presentation of private members' bill -- they can withdraw it at

any time.

MPLC: Draft laws received in the PLC do, in principle, have an explanatory note, but this is not a sufficient explanation/summation of the bill. What needs to be in such a note is reason, rationale, the "why" behind a bill, and members have received nothing like this from the executive. Such a note is important because it enables members to be more interested and involved. I have a question for Mr. Dhungana. I understand that in the first year of your parliament, more then 20 bills were passed -- this is a huge number for a new parliament. We spent more than six months before discussing laws.

Mr. Schulz: I would just add that the Nepali experience is not unusual -- in Cambodia, the parliament enacted about 15 laws in its first year.

Members of this Council have talked about the importance of creating a unified body of law for the West Bank and Gaza. In other legislatures, there are committees like the "Law Review Commission" [California] which discusses changing existing laws. Such a committee is composed of parliament members, legal experts. Does this exist in Canada?

Ms. Phillips: Such a committee is not a standing one, but it can be formed and has resources. This committee can be used by members, particularly members of the opposition, interested in revising current legislation. This is definitely something that could be set up for the PLC.

Mr. Schulz: In some parliaments, I understand that there are formal links between the legislature and the executive, for developing ideas for legislation. Louis, is this true?

Mr. Fortis: Certainly, it is much wiser to foster positive legislative-executive relations at this stage, at least on an informal basis so as to avoid a stalemate.

Mr. Schulz: Is there a focus on two to three issues where legislation was needed where the legislature and executive would work together?

Mr. Fortis: Every time after elections, several issues would emerge as the most important, and no one knew how it was these issues. Maybe it was interest group influence. In my state, the biggest issue was high taxes, and the problems associated with businesses leaving the city due to the high tax rate. Once a big issue like this emerged, there was a need for the legislature to sit down and discuss it with the executive.

MPLC: This information, particularly regarding how bills are submitted to parliament, and how ministers interact with legislatures is very helpful. In the case of legislation in the Palestinian Authority, the executive, to date, has drafted all of the bills, but it is unclear who within the executive is drafting the bills. Moreover, these bills from the executive often are missing a preamble, so they come to the Council in incomplete form, which is burdensome for members. This has been a problem with the Basic Law, and has contributed to the stalemate.

There are other cases where we tried to include a preamble on a bill drafted by the executive, but this, along with amendments to the bill, was not accepted by the executive. This is a big problem, and causes the executive not to return bills for the Council's approval. Therefore, it would be better if a comprehensive bill was presented to us in the first case.

Another problem is that the cabinet does not discuss bills. Once the Council completes the reading of a bill, we submit it to the cabinet, which never meets. We try to meet with ministers, both formally and informally to pressure them, but they do not respond.

We need to know the *exact* power of ministers. I think that we, as Council members, know our roles, but ministers do not know their roles, and they use this as an excuse. If our cabinet does not convene, what is the solution?

MPLC: The idea of a Law Review Commission is a good one, as it would work with both the legislature and the executive. Such a commission would be a very important development for the PLC, since we want to draft good laws. It would also help if the Council had subcommittees and knew what mechanisms would allow it to promulgate laws and have them approved by the executive.

MPLC: Do other parliaments have a legal department? If so, what is its function?

MPLC: If the government has presented a draft bill and it is sent to the relevant committee, is it the right of the government to have the principle of the bill voted on (first reading)? Is it not an infringement on the power of the executive to not vote on a bill before the legislature makes amendments?

Mr. Pyne: In the Westminster system, the legislative, executive and judicial branches of government are independent but interlinked, and the legislature is the supreme law-making body. If the legislature makes amendments that the executive does not like, the executive can try and convince the legislature not to vote on them. The executive is really a tool of the parliament in the Westminister system.

Mr. Fortis: In our system, you vote yes or no. If I were presented with a bill and even wanted to make the slightest change, I would vote no. If you let a bill go through the amendment process, it is more likely that there will be greater support for it by that point as compared to the situation whereby a bill is voted on immediately.

Mr. Schulz: How did you use the legal department in your legislature?

Mr. Fortis: The legal department is non-partisan, and its role is to take ideas from members for legislation and to draft laws accordingly. As a member, you explain to the people in the legal department what you want them to do with your draft legislation. Then, they take these ideas and put together a piece of legislation. This can take a few weeks or several months, depending on

the topic. Then, the member receives the draft back from the legal department, and you review it line-by-line to refine the bill until it says exactly what s/he wants to convey, in the appropriate legal language.

Ms. Phillips: On this topic, there is one basic principle -- the flow of information between the legislature and the executive. If the legislature makes amendments to the executive's bill, you need to give them information, just as the executive needs to give information to the legislature. Ministers need to come to the plenary to participate in the discussion of amendments to their bill. There is a need for Council members to really push ministers to come to your sessions, and this is particularly important as many ministers are PLC members, and it is their responsibility to be there. Regarding the right of the legislature to put forth legislation, this is your right according to your Standing Orders, and the development of your legal department is an important step towards this goal.

Before I was speaker, I developed child care legislation as a member of the Manitoba Assembly. For this process, I sat with people from the social services department, as well as with the legal department of my legislature. After the bill was drafted, I gave it to the minister, discussed it in my party caucus, then it was ready to be presented to the plenary. In the plenary at first reading, the minister introduced the bill and it was distributed. There was no discussion at that point. At second reading, the minister made a 40-minute speech on the principle of the bill only, and then the issue was open for debate by other members. After this discussion, a vote was taken on the principle of the bill, and as the vote was carried, it was sent to committee.

So, if there are several ministers who you find you can work with on legislation, you will be setting good precedents and will encourage other ministers to come to the PLC more often. Since the ministers are also new, they need your help as well.

Mr. Schulz: As for the budget oversight process -- how can the legislature and the executive interact and cooperate both in terms of enacting the budget and monitoring government expenditures?

Mr. Fortis: Yesterday, I talked about how the Budget Committee can conduct oversight and public hearings. I want to focus on a case study: education. Here in Palestine, there is a problem with student/teacher ratios. If, as a PLC member, this is the most important issue to me, what would I do? First, I would become a member of the education and budget committees. Then, I would draft legislation on the subject. There are three ways to accomplish this. The first is to sit down and negotiate with a minister, to try and convince him to put the item in the budget. This is a good idea, but it takes time, and is not usually successful. So, what members need to do is garner public interest and support by mobilizing the people through the holding of public hearings. By holding committee hearings, visiting schools, etc., the issue builds, and this is even more successful when the media is involved. As a member, you would continue to build on this issue, and this process can take several years. If this process begins to occur here, with the Council, then you, as members, will be more convincing when you meet with ministers.

But, what if this does not work? The next step would be to go to the budget committee and talk with the chairman about the education bill, and work with him to convince him to put money into this (which, of course, means taking money from somewhere else). Then, you would talk to other members of the budget committee and try to convince a majority of them to support this. But, it is important to note that if this is approved, it takes money away from other programs, so you need to encourage *efficiency in other* programs. Realistically, since this involves the shifting of money, it is critical for you to know the amount of incoming revenue. Thus, unless there is understanding of the whole picture, the budget committee cannot do its job.

Let's say that you were unable to convince the budget committee; therefore, you would have to go to the entire Council and get 45 [a majority] members on your side. There are two things you have to do. First, you have to make your issue greater than just your issue, which means involving NGOs, unions, and other groups to create outside backing. This builds momentum and makes it a big issue. Every executive, everywhere in the world, wants to do things its way, so you, as legislators, have to *push* them. Secondly, it is critical to note that if you, as the PLC, do not have an understanding of the revenues and expenditures, the executive can always tell you that there is not enough money for your bill.

Mr. Odeh (CPRS): I would only echo what Mr. Fortis said regarding the importance of knowing revenues, and figuring out, even in this context, how to monitor government expenditures.

MPLC: Before the PLC Budget Committee worked on the actual budget, they worked on the budget bill. This bill was sent back to the plenary from the executive. Our view is that the PLC has the right to increase/decrease the budget of any ministry, line-by line, as the Council decides on the appropriation of money to the executive. This is our school of thought from which the PLC drafted the bill, and it is in complete contradiction with the view of the finance minister. The three sections of the bill which members considered as the most important were: how the budget is prepared, budget approval, and oversight and monitoring of government expenditures. If this bill is passed, then the legislature holds all of the money. But, if we approve the budget without this bill, the executive will have more power (i.e., without the bill, the Council could not add/subtract from the budget). The taxpayer needs to have confidence in the authority, to know how their money is being spent.

Mr. Fortis: I agree with what the member said about the need to set up a situation in which the Council is in control of the budget process. This does not mean a total change of the executive's budget, but that you, as PLC representatives, represent the people and their concerns. The legislature is the truly democratic institution, so if there are issues very important to your constituency, it is your responsibility to make sure that you, as a PLC member, voice these concerns to the executive. If you can make something a big issue, things can change dramatically.

MPLC: I have two questions on the topic of the budget:

1) Should the Council give priority to certain budget issues, or should priority be to have a

member of the executive give a full explanation of the budget to the Council?

2) Do most parliaments have the power to change items in the budget according to their wishes, or does this happen only under the direction of the government?

Another member posed the following questions:

1) When is the budget presented to the parliament?

2) How is the budget discussed in parliament (e.g, line by line?)

3) What should be included in a budget?

4) How can the Council know if the budget includes all revenues?

5) How can the Council monitor expenditures?

Mr. Fortis: It is true that our system in the US is very different; but, there are also a lot of similarities. General concepts are what are important from these international examples. Regarding changing the budget: the legislature can *totally* change the budget. If you are dealing with the same party in the executive, you won't do this, but you will if you are dealing with the opposing party. This happened two years ago in the United States [Newt Gingrich (Republican) as Speaker of the House of Representatives].

So, to answer the question: yes, you can change the budget as much as you want, but it is a process of negotiation. With respect to choosing what is the most important thing to focus on -- the process.

In the United States, the budget is presented in the first month of the new session, and it is presented by the president, who comes to the legislature and makes a speech. This used to occur in the morning, but now it is at night, when there is more media access. The executive will discuss the new issues -- those they want to make important -- and they will spin issues to their advantage. Also at this time, any new initiatives should be discussed.

In terms of knowing revenues -- the budget committee, as well as other committees, need to hold investigations, perhaps through a hearing. In terms of monitoring expenditures, again, use committees (e.g., the education committee investigating schools). Also, you can look at other models, budgets of other legislatures (i.e. Jordan).

Mr. Pyne: I want to comment on two things. First, in Australia, the budget must include any and all expenditures. Secondly, I want to highlight the importance of knowing that the budget includes all revenues. In 1975, our Finance Ministry was raising money overseas and not accounting for it. At the election, after people found out about this unaccounted for money, the

Labor Party defeated the government in a huge victory.

Ms. Phillips: At home, at both the federal and provincial levels, when the new session begins, the prime minister or premier makes a speech and presents the government's policy. This is debated for ten days. Following this "throne speech" at a time determined by the government, the finance minister presents the budget and explains how the government's policies will be funded, and how the revenues will be divided between departments For example, in the 1930's in Canada, there was massive unemployment, farmers were losing their land because of drought, but the government said that no money was available to fund social security programs, job placement programs, farm relief programs, etc. But when the Second World War broke out, suddenly the prime minister announced that there were millions of dollars available for the war effort. So, the lesson was that money is available, but members have to push to see that it is spent on the issues which they consider to have priority.

In terms of the question of accountability -- we had auditors who monitored my department (social services). I, as a civil servant, had to justify every expenditure -- if I recommended a special expenditure for a citizen, I had to get it authorized by having the director's signature on the file. This ensures that every penny that the government spent is accounted for. Also, as a civil servant, if I was not fulfilling my role, a member could make this an issue and call on the minister to attend to it. Thus, the process of monitoring works both ways.

Finally, one point about the budget. The legislature must have the final say in the budget. A government will live or die depending on whether they have support for the budget.

MPLC: The Council faces a unique situation with regard to the budget, in that the president, who is separated from the Council, has special authority to give ministers extra expenses out of the budget. Again, legislative-executive cooperation is a must, and the Budget Committee did not probe enough for details behind the proposed expenditures of the Executive. The items in the budget are in total figures, lacking any details. Given the lack of a clear process of budgetary oversight, what is the mechanism used in other parliaments with respect to monitoring? Are government loans incorporated into the budget? If taxation is not included in the budget, can the government propose taxes during the fiscal year?

Contrary to what Mr. Fortis said, there are differences between the budget here and in the United States. In the case of the PLC, the government is totally running the Council, and the press lacks freedom, so the Council cannot use this to increase access. The Council's communication with the public continues to be weak. Regarding the budget, even though the Council has spent a lot of time reviewing this, the Authority still does not have a system for expenditures, which makes the Council's job very difficult.

Mr. Fortis: When the question of oversight was raised, it was with a negative connotation, but this certainly isn't the case. In response to the question about loans: yes, they are definitely in the budget, as is projected taxation. Even with the closures that you face as Palestinians, revenue

estimates can still be made (e.g. how much money will be lost with a closure). If you had a fiscal department in the Council, they could be charged with this task.

MPLC: How can we conduct oversight through the fiscal year? Can we use auditors?

MPLC: Are the interest on loans included in the revenues?

Mr. Fortis: Regarding oversight: auditors would be part of this fiscal department about which I spoke. In the Wisconsin Legislature, for example, we have an Audit Committee that investigates several programs a year, so auditing is a continual process.

Mr. Pyne: In Australia, we have a Public Accounts Committee to oversee budget expenditures. As for the issue of interest on loans, they are included as expenditures in our budget.

Ms. Phillips: Now, I would like to turn the discussion to another very important area of legislative-executive interaction. I call on Mr. Pyne to give us an outline of how question period is structured in the Australian Parliament, and how this can be of use to the PLC.

Mr. Pyne: Let me begin by quoting one of the members who said that the PLC needs to define the roles of the legislature, executive and judiciary, and to make the executive accountable to the legislature. Question period in the Westminster model is unique, but there are similarities between the Australian Parliament and the PLC which I would like to highlight. In Australia, there are one and one-half hours of question period every day that the Parliament meets, and for this time, every minister, including the prime minister, is present. Any member can ask a question on any topic, and ministers are required to respond. This is televised live, which signifies the importance of this to the people as well.

Why is question time important?

In the Westminster model, it is important because it leads to increased accountability, transparency and equality between the legislature and executive, and illustrates the importance of public scrutiny in this process. With respect to the opposition, this time is important because they can expose the perceived failings of the government, and they can use it to expose the weaknesses and embarrass the government. Question time is usually the lead item on the evening news, so it is taken very seriously by the public as well. It is not unusual for question period to be the impetus behind the resignation of a prime minister.

From the government's point of view, question time is a period to seek and present information, to present new policies, and to show that they are at the front line of government activity. Also, this is an opportunity to announce changes in government policy. It is never the time, from the point of view of the government, to embarrass ministers.

Question time is also the opportunity for government to embarrass the opposition by revealing

their weaknesses and divisions. Question time is different throughout the world -- in Australia and Canada no notices of questions are given to the ministers beforehand. In other systems, however, ministers get the questions beforehand.

MPLC: Who organizes the questions, and who moderates this discussion? Can the member who asked the question respond? Can a member ask more than one question? Can members call for a vote of no confidence if they don't like the minister's response?

Mr. Pyne: A member cannot respond to a minister except for when a supplementary question is allowed, which is very rare. Regarding the organization of questions -- in the opposition party, there will be a meeting in the morning to determine a theme for question period that day (i.e. health care, education). Sometimes, the theme can last for more than one day if it is very critical. So, this meeting serves as an agenda-setting exercise. The leader of the opposition will ask the backbenchers (members of the government party who are not ministers) to ask questions -- they will stand during the session and will speak when called on.

Something like this will also occur on the government side, but this agenda-setting meeting will focus on something positive to emphasize during the question period.

MPLC: If the minister's answer is not convincing, is there a vote of no confidence proposed on the spot? Is question time necessary before having a vote of no confidence? What is the difference between question period and interrogations? Can the council turn to the judiciary or executive if there are criminal allegations versus a minister?

Mr. Pyne: The opposition can stage a vote of no confidence, but it is rarely successful since the opposition is a minority. But, this will receive a lot of media attention, and if there are a series of issues against the minister (i.e. several no confidence votes), then the prime minister will force the resignation of the minister.

Question time is usually before a no confidence note, unless a decision is made to have a vote of no confidence in the entire government.

Interrogations [which are questions of a more serious nature implying issues of wrongdoing or misconduct which could lead to formal charges or a no-confidence vote] are rare.
If there are any allegations of criminal acts, the minister will step down during the investigation, and in general, the prime minister will dismiss the minister before the investigation.

MPLC: If a minister has committed a criminal act, who handles this: the legislature, executive or judiciary?

Mr. Pyne: There are a number of ways that this is handled. One is through a parliamentary committee, although it is more likely that it will be handled by the prime minister or attorney general, then the director of public prosecution. Then, the issue will be taken to criminal courts.

MPLC: If I understand correctly, question period occurs every day. How many days a week does parliament meet? Are ministers members of parliament?

Mr. Pyne: In the Westminster model, all ministers are members of parliament.
The Australian parliament sits for two weeks every month for eight to ten months of the year. There are about 70 question periods a year, which are not as many as in Canada or Britain, but in Britain, the prime minister is not there every day that question period is held, and the period only lasts for a half-hour.

MPLC: Are ministers and members of the parliament authorized to be involved in private business?

MPLC: What are the duties and responsibilities of members of the Australian Parliament?

Mr. Pyne: If there is outside business, a minister must establish a trust which is managed by someone else, so that the minister does not know the details of the holdings. This system is such to eliminate potential conflicts of interest. Rules are not as strict for members, although as a member, you are required to declare conflicts of interest.

Ms. Phillips: In Canada, there is conflict of interest legislation which requires members to fill out forms to declare one's assets. Therefore, members cannot vote on issues in which they have a conflict of interest. We also have trusts.

Mr. Pyne: In Australia, we have a registry of interests (i.e. number of bank accounts, mortgages, property holdings), which ensures complete entire transparency.

Mr. Fortis: If you have a business and are elected to the Wisconsin Legislature, you are allowed to keep it since the Legislature is part-time (80%). But, there are strict rules regarding conflicts of interest -- as a member, you cannot use your position to help your company, or even to *appear* that you are helping your company.

Mr. Pyne: We also have a document called a "code of conduct" which covers ministers' business interests (i.e. how to handle them with trusts), and what is expected of them in question period. This code is constantly used by the opposition to show weaknesses in the government. In addition, all members must fill out a register of interests. Thus, the system is very transparent. In terms of the duties and responsibilities of members, it depends on the individual. Some are more serious than others, better with constituent issues, etc., while others are more complacent.

Ms. Phillips: As for question period, one of the most important aspects is information-sharing. Therefore, you should focus on how you, as PLC members, can get access to information and to have a consistent, institutionalized question period, as stipulated in your Standing Orders. You need to pressure for access to information to make question period successful, and to have accountability on the part of the executive.

Ms. Phillips: I would like each of our international guests to make a final statement.

Mr. Pyne: I would like to leave you with one idea. We all know that there are problems with the Palestinian Authority, flaws and lack of implementation of agreements, continued occupation, which all mean that you have limited power. But, there are areas in which you *can* implement change. So, I would suggest that you work within those limits and do what you can do, well. The task at hand now is to set goals, work towards them, and strategize towards achieving them. These goals could include budget scrutiny, the Basic Law, question period, agenda-setting. I would suggest that you choose one or two and focus on them, because if you focus on too many different things, you won't achieve anything.

Mr. Dhungana: When I used to be a student, I was concerned about why people suffer like you -- you are facing a great struggle, and getting the Basic Law is the most important element of this struggle. You must remain committed to this process, and there is no reason why you should feel disappointment, given all that you have accomplished. You have accomplished a great deal, and developments are always slow in the beginning.

I feel honored to have learned so much from your experience.

Mr. Fortis: I want to thank you for the honor and opportunity to be here, in the three workshops in which I have participated, and to have had the chance to meet so many different people. When I compare you, as PLC members, to the members I worked with in the Wisconsin Legislature, I think you are very talented and committed, and I wish we had people like you in Wisconsin. I have great respect for the situation in which you are working, and I look at you with awe.

I want to say one thing -- your situation is difficult, but you cannot use that as an excuse. There is a lot you can do to work within this situation. The degree to which you can build democracy will only strengthen Palestine. People are watching the PLC, and want you to succeed. Democracy is powerful because it is the will of the people -- you have the opportunity to shape this will.

PLC MEMBER EVALUATION

The enthusiasm of PLC members in this topic was apparent from the questions asked and the discussions generated, and requests for further information on this topic. Questionnaires were distributed to the workshop participants at the end of the workshop, where, among other things, participants were asked to assess what they found most and least useful from the workshop, what other topics could have been addressed, as well as suggestions for future activities from the three participating organizations.

The comparative focus of the workshop was well-received by members, specifically, the methods of legislative-executive interaction in both the presidential and Westminster systems. The discussions regarding the budget and law-making processes were highlights for many of the members. Most members found all of the topics of the discussions useful.

In addition to what was covered in the workshop, members expressed an interest in learning more about how members develop legislation, how an independent judiciary develops, as well as its relations to the legislature, and how to conduct committee hearings. In planning its future activities, NDI is taking these suggestions into account.

APPENDIX D: CONSTITUENCY RELATIONS

Terms of Reference
Workshop Agenda
Biographies of International Participants
Program Report

offices, resources, and staff capacity. To date, not all of the districts have opened PLC official constituency offices, and even where these exist they are often not used by all of the members, due to political and personal differences. In most districts, there are members from varied political affiliations, which makes the feasibility of a shared office virtually impossible. In some cases, members have opened offices with their own resources, but not every member can afford to do this.

In addition to staff and resource constraints, the overall political situation also poses a significant challenge for constituent relations. Arbitrary Israeli government-imposed closures on Palestinian areas make travel between these areas impossible. At times, Members are unable to attend Council sessions, let alone work with their constituents.

Nonetheless, Members have employed different strategies to interact successfully with constituents. These range from open office hours, participation in town hall meetings, as well as attending community events, etc. However, a June 1997 Center for Palestine Research and Studies (CPRS) poll revealed that only 10 percent of constituents polled have made any contact with their elected member, other than on a social basis. This "contact" includes personal meetings, public meetings, phone calls, and mail. This low percent of contact probably reflects a combination of public frustration and lack of knowledge, logistical constraints, and insufficient facilities (e.g., inadequate office space).

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To provide Council members with comparative models (both international and local) of constituency relations;

2) To interest Members in adapting methodology from other legislatures to enhance their relations with constituents;

3) To introduce practices in the PLC that will forge positive and constructive links between Members and the public; and,

4) To encourage, in conjunction with the staff of district offices and fellow members, methods of organization and coordination that best address constituents' needs.

III. PROGRAM ACTIVITIES

A. Briefing and Preparations

Accompanying this document is a draft workshop agenda. When you arrive on October

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MEMORANDUM

TO: **International Participants**

FROM: **Myrna Phillips, Director of NDI's Program with the PLC**
Laura Abrahams, Program Assistant, PLC Program

DATE: **September 22, 1997**

RE: **Terms of Reference for Workshop with the Palestinian Legislative Council on Constituency Relations**

I. INTRODUCTION

Thank you for agreeing to participate in this workshop on "Constituency Relations: A Two-Way Street," sponsored by the National Democratic Institute for International Affairs (NDI).

The Palestinian Legislative Council (PLC, or Council) was elected January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self Governing Authority in accordance with the Declaration of Principles (signed September 13, 1993) and the Interim Agreement ("Oslo II," signed September 28, 1995).

The Palestinian Legislative Council has been meeting regularly since its inaugural session on March 7, 1996. Although the Council has made substantial progress in the first year and a half of its existence, it continues to struggle to have more of an impact on the legislative process, a more important role in overseeing the activities of the government and a more visible and positive image with the public.

The West Bank and Gaza are divided into sixteen electoral districts, and Council seats are allocated based on 1995 population figures. While some districts have only one member, Gaza City has twelve members (see chart in briefing book of electoral districts). Within these larger districts, there are no divisions of area, so every member is elected by and technically responsible for the entire district. This poses a significant challenge for effective communication between legislators and the electorate for insuring that all constituents' complaints are answered in an organized and coordinated fashion.

In addition, there are stark differences between the districts in terms of the development of

Working to strengthen and expand democracy worldwide.

IV. BACKGROUND

A. Palestinian Legislative Council: A Brief Background

1. *Limitations in Jurisdiction*

The Palestinian Legislative Council, an institution of enormous potential importance to the prospects for democracy in the West Bank and Gaza, faces unique challenges, some of these challenges include:

- the basis for the PLC is an agreement between the Israeli government and the Palestine Liberation Organization (PLO);
- the Council does not represent a nation state and is a legislature of limited jurisdiction;
- this is the first ever elected body to represent Palestinians living in the West Bank, Gaza and East Jerusalem;
- and, Israel has a significant degree of control over the lives of the electorate represented by the Council, and of Council Members themselves.

For more information, see NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*, enclosed.

The Council faces a number of challenges. Many of the Council's challenges relate directly to the unusual limitations that make it difficult for the institution to evolve into a fully functioning legislative body. The fact that the Council has no antecedent that it is reforming, but rather it is building itself from scratch is noteworthy. Moreover, the Palestinian Authority, in place two years before Arafat and the PLC were elected, is unaccustomed to power sharing. The Council also works in an environment in which its jurisdiction is limited. It is powerless to adopt laws in several areas of importance to its constituents -- Israeli government closures of the West Bank and Gaza Strip, expansion of Israeli settlements, and final status negotiations. These issues are particularly important because they have such an adverse impact on Palestinian employment and other daily activities. Public expectations that their representatives would address these issues were raised by campaigns prior to the January 1996 elections which heavily relied on promises of Palestinian statehood with Jerusalem as the capital, despite the fact that these areas of interest do not fall under PLC jurisdiction.

These limitations are a critical aspect to constituency relations, as many of the complaints that members receive are in areas which are out of the Council's jurisdiction. This means that Members can neither solve many individual or local problems nor draft legislation based on any group complaints.

21, we will meet you at the airport (close to Tel Aviv) and take you to Jerusalem (an hour's drive) where you will check into the Ambassador Hotel (telephone 972-2-532-3532 or 582-8515/6; fax 972-2-582-8202). Before we begin the workshop, we will provide you with two days of briefings on the Palestinian political context and the PLC that will include meetings with NDI staff, Palestinian political leaders, journalists, and representatives of NGOs. We also hope to provide you with some (unfortunately, limited) time to see Jerusalem.

We will schedule time on Thursday and Friday for an in-depth discussion of our organization's experience with the PLC and our objectives for this program. On Friday, resident NDI staff will meet with you as a team to discuss the workshop agenda. The agenda in your briefing book will serve as a general guideline that we can modify on the basis of the briefing meetings and as we piece together our collective experience. We hope that Council members will be forthcoming in their questions to ensure that they obtain relevant and useful information from this workshop.

While some Council members speak English, others do not. Therefore, our program will be conducted with the assistance of simultaneous interpreters. We will schedule time before the program begins for you to meet and practice with the interpreters, and we will ensure that they--as well as other interpreters--are available during meals and breaks to help with individual conversations. Please avoid using idiomatic or otherwise difficult-to-translate language in preparing your discussion outlines and making your presentations. (See enclosed NDI publication, *Tips for Training*).

B. Constituency Relations Workshop

On October 25 and 26, you will be meeting with PLC members in Bethlehem (a 20 minute drive from Jerusalem) to discuss the structure and practice of constituent relations in your legislature. The draft agenda is designed to address the various aspects of this relationship, and how members can build practical and effective relations with their constituents. We will do our best to provide you with the background information necessary for you to have a sense of your audience and, hopefully, an ability to draw attention to strategies for effective constituent relations in your legislature which may be of utility to PLC members.

As indicated in the attached agenda, the panel section of the program will consist of short presentations from each of the international participants, followed by questions and answers and general discussions with the PLC members. We ask that you limit your presentations to 10-15 minutes and speak slowly and clearly so that the translators will be able to convey your presentation.

For Sunday morning, we have invited three local Council members to present the models of constituent relations they have developed and are currently using. The afternoon session will provide an opportunity to exchange ideas for overcoming obstacles mentioned by members in the discussions.

reading of the draft Basic Law, for example, the Council spent endless hours deliberating each article of the text, without any reference or deference to the Legal Committee's recommendations or any limitations on debate. In the end, the Basic Law draft was completely written by an ad hoc "rewording committee" and the whole version was summarily adopted by the Council.

5. Committees

While the Council has twelve standing committees, they still struggle to have a significant impact in legislative drafting and review, overseeing the executive, and in encouraging public participation into the policy-making process. Despite the committee format, the focus of most Council work still occurs in the plenary. Line by line consideration of all bills, for example, occurs in the plenary sessions, rather than in the relevant committee. While some committees are developing increased capacity to draft and review legislation, as well as encourage public participation in the policy-making process (e.g., holding public meetings on draft legislation), this is still at its early stages. Moreover, committees spend a significant amount of time handling constituent complaints, instead of focusing on legislation or policy issues. This unusual arrangement, mandated in the Standing Orders, diminishes personal contact between legislators and their constituents and also diminishes the PLC's accountability.

6. *Conclusion*

At the same time, the Council also has several strengths. First, most of the members appear to be committed to making the Council an independent legislative body that has a substantial role in determining government laws and policy. Second, Council members recognize the importance of the fact that they are elected. Many have commented that their election provides them with a new form of political power -- verified popular support -- which they can invoke in support of their efforts to oversee the Executive, and in support of their efforts to build a strong institution. Third, the Council has not succumbed to being a rubber stamp for the executive. While it may not yet be optimally organized and strategic, the Council has spoken out against the government's abuses (monopoly practices, human rights abuses, etc.,) and it has debated and adopted laws. The Council reviewed and passed a variety of draft legislation, though this is waiting with the executive to be signed. In addition to passing the Local Elections Law, the Council passed the third reading of the Local Government Law, the second readings of the Budget, Civil Service and Basic Laws, as well as the first readings of the Monetary Authority and Petroleum Commissions Laws.

Perhaps the greatest challenge is the overarching one of establishing the legitimacy of the legislature itself as a partner in governance. The Palestinian Authority, and its head, Chief Executive Arafat, are not accustomed to scrutiny, criticism or shared decision-making. Arafat is a member of the Council and has consistently challenged the Council's authority, autonomy and prerogative. One hour into the Council's first deliberative session, Arafat stormed out of the meeting because the members declined to pledge their oath of office to him personally. Arafat's attitude toward the Council has not changed significantly from that opening moment. He has

2. *Public Perception*

Public exasperation with the PLC has been heightened by a lack of understanding of the legislative process, as well as a dearth of information about the PLC in the press. In the absence of a clear legislative process and in the absence of an Executive willing to share power or work cooperatively with the legislature, PLC members have relied on passing resolutions to make their political will known to the public and their constituents. Over the last year, members have passed dozens of resolutions calling for a solution of the settlement crisis and the Hebron issue, and on progress on the final status negotiations. They have also passed resolutions on issues within their mandate. For example, the Council has adopted resolutions urging the executive to stop monopolizing the gravel trade and to release political prisoners held without charge. Many Council members seem to be confused about the difference between passing resolutions and adopting legislation; while they craft resolutions instructing or urging the executive to take certain actions, the Council has yet to draft and adopt legislation requiring that the executive act. Council members themselves have expressed frustration that the Executive Authority has not acted upon its resolutions, but their own confusion may well have heightened the public's sense of the Council's impotence. A June 1997 Center for Palestine Research and Studies poll, for example, showed that Palestinians viewed the performance of the PLC with less favor than the Palestinian Authority and the Palestinian security forces.

3. *Party Structure*

Another unusual aspect of the Council is that it lacks organized party structures and partisan divisions. Approximately 70 percent of the 88 Council members are affiliated with Arafat's Fateh movement; others are either independent or part of a small group of Islamists. In Council proceedings, however, affiliations are usually muted. The Council has no formal or informal internal political structures such as party caucuses. In some respects, this helps the Council to take a unified stance in support of the institution's independence. At the same time, the lack of party structures has significantly impaired the Council's internal organization and efficiency. When deliberations were conducted over the Basic Law last summer, for example, they involved dozens of points of view rather than two or three or six organized points of view. In the absence of party structures, the Council plenary serves as both a forum for formal deliberation and as a place for the more exploratory discussions that would occur in party/caucus meetings in other legislatures. A lack of clarity and focus results in inefficient and unproductive Council deliberations.

4. *Plenary Procedures*

The Council also has yet to implement efficient plenary procedures. Although the situation is improving, significant time is still wasted in the plenary setting and amending the agenda, rather than discussing the substance of the agenda. Moreover, the concept of motions seems to be a foreign idea. Votes, in addition, are not taken in a systematic manner, and often there are several amendments on the floor when a vote is taken. In its consideration of the first

apparently not committed to enactment of a constitution to date. Given this inaction, the Council decided to begin the second reading of the Basic Law, which was passed in July 1997, even though the Executive never approved the first reading.

A similar frustration with executive inaction occurred with the process of the budget. Specifically, while the Standing Orders stipulate that the budget should be submitted at least four months before the beginning of the year (*i.e.* October), the Budget Committee of the PLC did not receive the 1997 budget until March 1997. The executive did not put forth a clear reason for the budgetary impasse, only adding to legislative-executive tensions. This flawed process represented a serious point of contention between the PLC and the executive, to the point that there were several calls from Members to have a non confidence vote in the Finance Minister. In the end, a vote was not taken, as the budget was eventually submitted. Nevertheless, it is clear that this process highlights the main frustrations and tensions between the two branches.

Lately, the Council has become more effective in the areas of enhancing government accountability and oversight of the executive. After the presentation of the General Comptroller's report of corruption in the PA at the end of May, the Council formed an ad-hoc special committee to investigate the report's findings and produce a report of their investigation to the PLC. There are eight members on this committee; four from the Budget Committee and four from the Oversight Committee. They conducted a 50-day investigation, after which they produced a 60-page report to the PLC. The report examined all of the government ministries, though not other institutions of the PA [to the dismay of many ministers and members alike], and concluded that all but three ministries [Justice, Higher Education, Agriculture] are rife with administrative flaws and corruption. The report called for further investigations of several ministers, including Jamil Tarifi [Civil Affairs], Nabil Shaath [International Planning and Cooperation] and Yasser Abed Rabbo [Culture]. The report concluded with a recommendation that Arafat disband his entire cabinet and replace current ministers with "technocrats and experts." To this end, the Committee suggested that the Council take a vote of no-confidence in Arafat's entire cabinet.

What was significant about the report was the precedent it set for enhanced legislative-executive relations and government accountability. While many ministers did not agree with the content of the report, there was an overall recognition on their part that this was setting a key precedent for government accountability. Moreover, the seriousness with which the ministers responded to the report symbolized that greater information-sharing between the legislature and the executive, something critical to any democratic system, will likely be enhanced in the future.

repeatedly ignored requests from the Council for cooperation and declined to provide information that the Council needs to complete its work. This problem has been particularly acute in relation to the Council's ability to set its agenda. The Council's two major goals for the session -- confirmation of the cabinet and approval of the Basic Law -- could not be scheduled because both depended in some part on cooperation from Arafat. As a result, no constitutional framework clarifying, even in law, the process of law-making is yet in place.

B. Review of Council Proceedings

The 89-member Palestinian Legislative Council (88 members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council members with a substantially revised set of Standing Orders, which were adopted after a long and, at times, acrimonious, 14-hour meeting. (See NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*).

Subsequently, on April 4, the Council voted to accept the list of the members of the Council's eleven committees. In accordance with the Standing Orders, members requested their committee assignments (a maximum of three) and the Speaker, after negotiations, presented the lists for Council approval.

The Council has been meeting regularly, except for a summer recess in August, on Wednesdays and Thursdays of each week. Their meetings alternate between Ramallah (West Bank) and Gaza City, although, since the summer, most of the meetings have been in Ramallah. The Council committees generally meet on Mondays and Tuesdays.

The Council's first task, after adopting its Standing Orders and establishing its committees was to adopt a Basic Law, or constitution, for the Interim Period, *i.e.* until final status negotiations are completed (scheduled for 1999). The Legal Committee of the Palestinian National Council (PNC), which is the PLO's legislative arm, had published the Fourth Draft in January, 1996. Before adjourning for the summer recess in August, the PLC adopted a revised version of the Basic Law. (NDI organized a workshop for Council members on the Basic Law in May, 1996).

The Council had taken up a draft presented by its Legal Committee, debated the draft article by article, submitted it to a special ad hoc (Speaker approved) "rewording committee" and subsequently adopted that committee's draft. The Council called this process the "first reading" and sent its revised version of the Basic Law to the Palestinian Authority for comment. In discussions with members of the rewording committee about the process, NDI found that the committee members (as well as other colleagues) were not troubled by this process; they found it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. The Council agreed to entertain the executive's comments on the Basic Law; Arafat, however, is

Salah Ta'mari

10:30 Break

10:45 Discussion with PLC Members

12:00 Lunch

1:00 Issues and Solutions:

shared offices
shared constituents
funding (salaries, equipment, supplies)
active vs non-active members
personal vs policy issues
developing policy issues with colleagues
other issues

3:00 Summaries

3:30 Adjourn

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CONSTITUENCY RELATIONS
"A TWO WAY STREET"
BETHLEHEM -- Nativity Hotel
October 25-26, 1997

Saturday, October 25

10:00 NDI Welcome
Introduction and Overview -- Myrna Phillips, PLC Program Director

10:15 Opening Discussion: Outline of Challenges
-views of PLC Members

11:00 Presentation by Steven Ashton, Member of Legislature (Manitoba, Canada)
-communication/information
- socio-economic discrepancies between districts
- servicing from a distance

Discussion with PLC Members

12:30 Lunch

1:30 Presentation by Michael Creed, Member of Parliament (Ireland)
- staffing, funding
- multi member constituencies
-casework, individual and groups, legislative-executive interaction

Discussion with PLC Members

3:00 Break

3:15 Presentation by Enver Surty, Member of Parliament (South Africa)
-public meetings/hearings
-policy formulation from casework

Discussion with PLC Members

6:00 Adjourn

7:00 Dinner at the Sababa Restaurant (across from the Bethlehem Hotel)

Sunday, October 26, 1997

9:00 Presentation by PLC Members -- local strategies and methods of constituency work
Marwan Barghuthi

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INTERNATIONAL PARTICIPANT BIOGRAPHIES

The Honorable Steven John Ashton
Mr. Ashton was first elected to the Manitoba Legislative Assembly in 1981, and re-elected in 1986, 1988, 1990 and 1995. Mr. Ashton served as Government Whip in 1981-1982, as legislative Assistant to the Minister of Labor from 1982 to 1985, and as Caucus Chair in 1986. Mr. Ashton is a sessional lecturer at Inter Universities North in Manitoba and was elected President of the University of Manitoba Students' Union in 1978-79. Holding advanced degrees in both economics and political affairs, Mr. Ashton has served as Opposition House Leader in the Government of Manitoba from 1989 to the present.

The Honorable Michael Creed
Mr. Creed has served in public office in Ireland since 1989, when he was first elected to Dail. He served as Fine Gael Spokesperson on Health between 1989 and 1993, and then as Fine Gael Spokesperson on Youth and Sport from 1993 until 1997. During this same time, from 1993 to 1997, Mr. Creed also served as Chairman of the Fine Gael Parliamentary Party Committee on Enterprise and Economic Strategy, and was Chairman of the Parliamentary Committee on Small Business and Services from 1994 to 1997. Mr. Creed has been a member of the Co-opted Cork County Council since March of 1985. Formerly a farmer by profession and holding an advanced degree in Legal Studies, Mr. Creed has spent much of the last decade as a full-time public representative in Ireland.

The Honorable Mohammed Enver Surty Surty is a Senator in the African National Congress, in which he serves as the Parliamentary Whip in the North-West Province. Mr. Surty serves on the Justice, Environmental Affairs, and Tourism Committees in the legislature, and is an alternate member of the Water and Forestry Committee. Mr. Surty played a key role in drafting the South Africa Constitution, including being responsible for negotiating and coordinating all submissions to the Bill of Rights on behalf of the ANC. He is also currently assisting in the development of the Rules and Procedures for the National Council of Provinces (the Second House of Parliament). Mr. Surty is an attorney by training.

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Constituency Relations: A Two-Way Street

A National Democratic Institute for International Affairs Workshop

The Nativity Hotel
Bethlehem, West Bank
October 25-26, 1997

EXECUTIVE SUMMARY

On October 25-26, 1997, the National Democratic Institute for International Affairs (NDI) convened a workshop for Members of the Palestinian Legislative Council at the Nativity Hotel in Bethlehem on "Constituency Relations: A Two-Way Street." This document is a report of the workshop deliberations.

The Palestinian Legislative Council (PLC) has been meeting regularly since its inaugural session on March 7, 1996. While PLC members have always seen one of their primary roles as that of serving and representing their constituents, institutionalized practices for effective relations between legislators and the public have not yet been forged. To address the ongoing concerns of PLC members in this regard, NDI organized the following workshop. Sample constituency relations manuals were translated into Arabic and distributed to members at the workshop, and later to PLC district offices.

The West Bank and Gaza are divided into sixteen electoral districts, and Council seats are allocated based on 1995 population figures. While some districts have only one member, most are multi-member constituencies. Gaza City, for example, has twelve members. Every member within a particular district is elected in, and technically responsible to all constituents in, the entire district. This poses a significant challenge for effective communication between the different legislators in each district and the electorate for ensuring that all constituents' complaints are answered in an organized and coordinated fashion.

In addition, there are stark differences between the districts in terms of the development of offices, resources and staff capacity. To date, not all of the districts have opened PLC official constituency offices, and even where these exist they are often not used by all of the members, due to political and personal differences. In most districts, there are members with varied political affiliations, which makes the feasibility of a shared office virtually impossible. In some cases, members have opened offices with their own resources, but not every member can afford to do this.

In addition to staff and resource constraints, the overall political situation also poses a significant challenge for constituent relations. Israeli government-imposed closures on Palestinian areas impede travel between these areas. At times, Members are unable to attend Council sessions.

Rationale and Program Goals

This workshop followed previous work undertaken by NDI and the PLC, which included an assessment and report of the first two months of the Council, and a workshop held in May, 1996, on constitutional issues and the Basic Law. NDI's current work with

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and issues requiring a change in [public] policy?

The program began with PLC members sharing their experiences regarding constituent relations, in order to put the issues into context. PLC members expressed frustration with lack of adequate time and resources to effectively handle constituent concerns, as well as with the difficulty of sharing constituent offices with members of different political affiliation. Other issues raised included the lack of media coverage of Council, and individual member activities; and the absence of clearly defined relations with the executive, including institutionalized mechanisms for information-sharing and transparency. In addition, members noted frustration that they will never be able to fulfill the heightened expectations of the people, nor solve many of the complaints that fall outside their jurisdiction (e.g. settlements, closures).

Summary of Workshop Discussions and Results

The internationals shared with members strategies to foster effective constituent relations, even with limited resources. These ideas included: communication through newspapers, press releases, leaflets, individual member newsletters, and sending excerpts from important speeches to interested groups of constituents. The internationals stressed the importance of borrowing and pooling resources with other members, as well as lobbying the legislature to allocate more resources to members.

The internationals also emphasized the importance of using public legislative hearings as a tool for fostering relations with constituents, as they represent opportunities for members to both share information with, and receive input from, interested constituents.

In addition to these techniques, many of which can be implemented at low cost, the internationals also spoke of the importance of balancing among member's legislative and constituent responsibilities, and personal time. Devoting one day a work, or on a bi-weekly basis, for example, to constituency work, will help members schedule their other time more effectively. The internationals also emphasized that it is often as important to spend time in the constituent office, as it is to attend an important community event (e.g. a wedding of a big family) or visit constituents' homes. They cautioned, however, that since constituent work is an ongoing process, and there are always problems to solve, and events to attend, it is important for the member to have a grasp of time management and to set priorities.

Another issue discussed at length is how members can work most effectively in a multi-member constituency, where members are of differing political affiliation. PLC members expressed frustration that citizens often go to different members with the same complaint (because members do not always share information with each other). This is exacerbated, according to members, by a lack of clarity regarding the policies of the

the Council, including this workshop, is part of an eighteen-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed around a series of workshops led by international participants on different components of legislative development, including the role of committees, plenary procedures, legislative-executive relations and constituent relations. For these workshops, comparative legislative materials in Arabic are distributed to Council members.

In addition to the workshop series, two study missions have been organized for select groups of PLC members to visit other transitional legislatures to meet with MPs and to see sessions first-hand. To supplement these activities, NDI disseminates materials in Arabic, and provides on-going consultations with Council members, including requests for information about legislative issues in comparative contexts.

The goal of the workshop on constituent relations was to bring together a select group of legislators from other countries with PLC members to discuss the various facets of constituent relations, to show that there are many methods and tactics available to develop effective relations with the public, even with significant resource shortages. An additional goal was to impart the notion to members of the need to work both individually and collectively as legislators, as well as with the executive, to address concerns and solve problems of their constituents.

To facilitate discussion and present models from other legislatures, international participants from Canada, Ireland and South Africa were invited to the workshop. They were: Steve Ashton, Member of the Manitoba Legislative Assembly (Canada), Michael Creed, Member of the Irish Parliament, and Mohammed Enver Surty, Member of the South African Parliament. Myrna Phillips, Director of NDI's program with the Council, served as chairperson of the workshop.

The workshop also featured presentations by PLC members Sabah Ta'mari and Marwan Barghuthi, both of whom have developed effective constituent relations, as recognized by their colleagues. They shared with the group some of the components of their work, including the organization of regular town hall meetings, computer tracking of constituent complaints, conducting demographic surveys of their constituencies, as well as working with the Executive on policy issues arising from constituent complaints.

The agenda for the workshop on constituent relations was organized to cover the following questions:

- What practices can be introduced to PLC Members to forge more positive and constructive links between those members and the public?
- How can the constituents best be served by their elected representatives, who have significant resource (money, time, political) constraints?
- How can members distinguish between individual constituent complaints

WORKSHOP DISCUSSIONS
Saturday, October 25, 1997

Myrna Phillips,
Director, Palestinian Legislative Council Project:

I would like to welcome you all today. You have told us that Constituency Relations is an important issue to you, so, we have brought three international guests to discuss this issue. The title of this workshop is "Constituency Relations: A Two-Way Street." We thought we would start by giving you an opportunity to present the issues to our internationals you consider to be the main challenges before they speak. What are your major challenges in working with the constituents? I would like to introduce our international guests:

- Mr. Enver Surty, Member of Parliament from South Africa, a member of the National Council of Provinces and of the African National Congress;
- Mr. Michael Creed, Member of Parliament from Ireland and;
- Mr. Steve Ashton, Member of the Manitoba Legislative Assembly - Canada.

And now, I will open the floor to you.

PLC Member (MPLC): The main problems in developing constituent relations include:

- limited time;
- limited period I can spend in my constituency because organizing meetings of the PLC takes up a lot of time.

We spend four to five days a week outside of the constituency, so the direct relationship with the constituents is limited. The second problem is that constituents focus on personal problems and judge the PLC member by how s/he can solve these problems. The PLC is not an employment office. The third problem is that the people are frustrated with the authority. Our jurisdiction as PLC members is limited; thus, the question is what can elected PLC members do for the public with respect to the malfunctioning of the executive and the security forces, and the overall need for money?

MPLC:
I am a member from Gaza. The Gaza constituency is large with a great number of voters, it faces a lot of problems with respect to different neighborhoods. The PLC member has limited time to devote to constituents. We also find that the MPLC can not reach out to his/her constituency. He cannot carry out activities because the means are not available to all the PLC members. The third problem is that the member can not address the Israeli policies and closures. Moreover, the socio-economic problems that result from this limit incoming investment. So, the personal requests of constituents are numerous and members find difficulties in meeting the needs of people. Finally, the media is not readily available. Members cannot put forth views in the media as the media only focus on formal issues. In

executive, so often clear answers cannot be given to constituents.

With regard to the concern regarding multi-member constituencies where the members of different political stripes must share a general district office, PLC members discussed with the internationals the idea of each member receiving an individual allowance from the Council for constituent relations. That would allow members individual constituent offices, or pool resources with other members of the same political affiliation. The internationals supported this suggestion, as they noted that in their own experiences, sharing offices with people of different political affiliations would never be considered.

NDI is thankful to all those who participated in the workshop, and is hopeful that this report will be beneficial to the development of effective, responsive and accountable constituent relations between members of Palestinian Legislative Council and their constituents.

CONCLUSION

As PLC members are still developing strategies to bolster relations with their constituents, they noted that the workshop represented an important and useful opportunity to exchange information and experiences with other parliamentarians who faced many of the same challenges – scare resources, lack of time, conflicts with the executive over policy issues, political differences – when they developed strategies for serving their constituents.

> One theme that was very clear throughout the discussions was that while there are certain responsibilities every elected official has in terms of representing their constituents, there are a variety of strategies that can be employed to strengthen these relations, and many of these can be undertaken with few resources. In any case, however, it is important for members to have well-trained staff who can assist and support them in responding to constituents.
>
> One of the suggestions raised by several PLC members is to give each PLC member a constituency allowance, with which they can either open an individual office or pool resources with other members from the same political party. Given the apparent difficulties inherent in having members from different political parties share an office, this is an idea that the international participants and PLC members alike agreed should be considered for the future.

after the elections. The expectations were high. In the absence of precedent for the PLC, the relations between the constituents and the members are undefined. The people are confused about the difference between the PLC and the Executive and who is responsible for what.

Also, the problem of primarily having an oral history. Things are not written down and there is no follow-up, there is lack of documents, newsletters, use of press, etc. This is a major problem. Another problem is the ambiguity in policies of the Executive. The PA still has no authority of law and this creates problems in constituencies. If someone comes to me with a problem, I might not know how to respond because of ambiguity in policies.

Most PLC members arrived at the Council as part of a party but there are not clear parties in the Council and this poses a problem. With respect to constituency relations, there are no clear divisions in the constituency so every member represents everyone. We are used by the constituency to consolidate legislation. Another issue that I face in my constituency is that we are multi-partisan yet we work together. I think the PLC members need to emphasize that the PLC is not party work. In our office, there are no official documents (e.g. laws used by the Executive). The lack of written policies of Executive makes it virtually impossible to respond to complaint's requests from the public and hold the Executive accountable. The MP does most of the work and he needs to use more volunteers.

MPLC:
I do not want to repeat what my colleagues have said though I share their problems. I am from the largest district in the West Bank and the second largest overall (after Gaza). We face problems because everyone comes to every representative with their problems. If labor was distributed, it could help us achieve our work together. In our office, we used to fill out forms, and found it was the same people coming again to the office. So, my question is whether it is better to visit people than receive them in the office. I also used the Fateh Higher Committee offices in villages. The problem that some of our colleagues mentioned is that the people come with private issues and see us as responsible for dealing with them. Also, with respect to staff, even if there is qualified staff, there are cultural expectations that the member (not the staff) should respond (matter of respect). This adds burden on members.

Also, Hebron is large. In addition, we, as Fateh PLC members, heighten the expectations of the people. Perhaps it is harder to be the opposition. We try, as Fateh, to go to ministers and solve the problems. Hebron is a wide geographic area, occupation, people presenting problems to all members, but even with all of these issues, there can be progress. People want basic problems solved (e.g. unemployment, roads) and do not care about the Basic Law. The concerns of the constituents can be put on the agenda of the relevant ministry. Maybe grouping the complaints by policy (e.g. health, education), not by region, would be better.

general, the local media does not give adequate room for any opposition voice.

MPLC:
I come from one of the poorest, most overcrowded regions in Gaza Strip. The Palestinians face suffering because of the Israeli policies. The socio-economic conditions are worsening and there is an inability to establish financial institutions, so we face many problems. The PLC constituent offices have turned into employment offices. Also, there is a lack of infrastructure and overall underdevelopment. So, people come to the PLC members with problems of basic needs, as well as with problems regarding the peace process, closure and the immobility. The Members are prevented by the Israelis from attending meetings and meeting with their constituents.

MPLC:
The problem we face is that the constituents do not understand the role of the PLC. There is confusion about the role of the municipalities, the PLC, etc. In Mid-Gaza, for example, there are big infrastructure gaps and people expect the PLC to solve this. Also, the lack of access to media services. Thirdly, we face a problem with the corruption in the Executive Authority.

MPLC:
I want to thank NDI and our guests/friends. We are here as parliamentarians and we have a unique situation. We are trying to build democratic institutions. Regarding building the PLC as a democratic institution, there is the problem with the Israelis but we should not find excuses. We should study new legislation and demand more accountability of the Executive. The main task for us is to set our house in order. In addition, we need to conduct baseline surveys in our constituencies to understand the problems.

MPLC:
I would like to thank NDI and guests. I want to focus on four issues:

- One problem we face in all constituencies is ambiguity regarding the role of the PLC members and the role of the Executive. The constituents want the MPs to play an executive role and this causes problems.
- The PLC's relations with the Executive until now are not characterized by complementarity. The Executive ignores the problems raised by the PLC members.
- We work in conditions less than the ideal due to the political situation.
- In the PLC, there are recommendations, resolutions and decisions, but we do not enforce them.

MPLC:
In general, my main point regarding the problems we face as members are the following: Before the election, people thought that many problems and difficulties would be solved

When I first got elected, there was no constituency office or staff, and I was given $1,000 [constituency expenses] annually as an MP. I had to invent ways to get things done, do things on my own. My constituency was dilapidated. People think of Canada as a developed country. But in many regions, it is primitive You must find a balance between servicing the people and spending too much money. I want to mention cynicism towards democracy in Manitoba. People tell me I cannot get things done. I tell them I will try. Sometimes people do not thank me until the next elections. My attitude is to try my best. It is a challenge in democracies to keep people motivated. People take these freedoms for granted.

I titled my presentation today "Communication" because that is what the crux of constituency relations is about. People phone me at 11:00 p.m., come to my house. In the aboriginal communities, it is a sign of disrespect to interrupt, people talk for hours, which means that it takes longer to get things done.

Communication:

I find any way to communicate: newspapers, leaflets, calendars of activities, etc. in order to remind people who their representative is. Make sure people can reach you if they need to. When I was first elected, what I realized is that people do not usually see their representative again until elections.

I make a point of going into my office for not more than a couple of hours.

1) I go visit people in their homes. I do not ask people for their problems. I ask them what their concerns are. Ninety percent of the problems are something I cannot solve.
2) Written versus oral culture. I try to write everything. Letting someone know in writing that I am addressing their concerns is important, even if it is just a short paragraph. I write back to people.
3) I hold office hours in Thompson. This separates people who are willing to contact staff for the details and then touch base with me briefly. I also publicize my office hours, so people know when they can see me.
4) I meet with the community as much as possible in meetings.
5) I make my own newsletter for my constituents. Our party has a newspaper. I also do a newsletter for each community so they know what I am doing specifically for them.
6) Surveys. I survey everyone, all the villages, using the high school graduates to conduct the survey. Not just about the problems but concerns. It is very effective, and in villages where people do not read, I do it orally.
7) I provide newsletters to trade unions (interest groups).
8) In our legislature, only opening sessions are recorded, so I record other sessions, send the topics out. Publicize when you raise people's concerns on their behalf.
9) Media. I send out press releases. If they are not published, I give them to constituents. I tell them to complain to the papers. If they do not use the press release, I publish it in

MPLC:
The people in the villages wake up early to work in the Green Line, come into the office at all times with their complaints and concerns. We are all in need of good concepts. We as PLC members understand what we are facing: for one, the public misperception of the PLC members. I do not agree with this view. We need to be fair to the public as long as this situation continues. We should not be unfair to the public. Why did we choose to be PLC members in the first place. Maybe it was we as PLC members who had misconceptions. We as PLC members cannot work by conventional methods. Also, we moved from the stage of revolution to the PA. Intellectuals say this is different but I think it helps us. There were principles, concepts developed under the PLO revolutionary period that makes our job easier (than for returnees). I think I am lucky to have lived through this.

With respect to the performance of the PLC members, we face similar problems in Bethlehem as those expressed by my colleague, with respect to the office versus field work. As for working with the Executive, it is the work of the PLC member to interact with the Executive. There are issues regarding personal qualifications, being able to work in offices and in the field. I believe that many citizens would be appreciative of this flexibility.

Ms. Phillips:
Thank you. We will have more time in the afternoon to further discuss this. Our first guest is Mr. Steve Ashton who will discuss how he moved from a close election victory to making his constituency, Thompson, a solid one for the New Democratic Party [NDP]. Also, he is the Opposition House Leader in the legislature of Manitoba, he has been elected five times. I would like to welcome my friend and former colleague.

Mr. Steve Ashton,
Member of the Legislative Assembly of Manitoba:

After hearing, seeing your constituencies, I want you to see where I come from [Video tape about Ashton's constituency, Thompson, shown].

In the few days I've been here, I wanted to let you know, I have seen Palestine on the road to freedom. But, nothing can compare to trying to develop a democratic institutions under occupation. One of the eight communities I represent has no roads, I can only get there with an airplane. The ministries are in the capital and Thompson is eight hours away from the capital. Unemployment in some places reaches up to 90 percent, and some areas lack power and water systems.

I decided personally to focus on the constituency, although now I do work heavily with the legislature. I would like to share some ideas, many of the specifics of which would not work here, but the principles will.

is crucial, since it makes people realize the work you have done.

MPLC:
Thank you for the information Mr. Ashton. You have explained important tips for strengthening the constituency relations. Perhaps the conditions are different, as we are only partially independent. Our starting point is resource availability -- our citizens go to different members with the same problems and each member gives a different answer.

Ms. Phillips knows about the differences. As my colleague mentioned, people even contact Members outside of their own district. We spend 80 percent of our time on official legislative business, and this is not enough.

Mr. Surty,
Member of the National Council Of Provinces in South Africa:

I respect the situation here, much like the struggle in South Africa. There are two key issues. The first is national – the political aspirations must be raised. In working with the constituency, you are dealing mostly with the national issues. Peoples' quality of life is a major issue. The third difficulty is the situation of the legislation. It takes major time to scrutinize draft bills. How do you have time to deal with the national aspirations, official legislature business and people's needs?

Within three years, we passed 200 bills in South Africa. That changed the content and form of the government. We passed a constitution that was transparent, involving many people in its drafting. However, for this process to succeed, we had to work towards improving lives.

How do you work effectively in the constituency given these problems? The only way to do it is to allocate specific time for constituency work, especially given distances between constituencies. There is also a time issue. The life of a parliamentarian in South Africa, the ANC is busy, working full time, with enormous responsibility. The notion of a commitment, and the need to recognize the needs of the people is important. We are aware of your challenges to suggest strategies, put issues in the right context.

MPLC:
I have some quick comments regarding Mr. Ashton's comments. He comes from an area which is similar to the area we have here in terms of needs. We face many problems regarding the media. While some Members get press coverage, there is no full coverage of the PLC on TV. Regarding our newspapers, they aren't professional or big enough to handle the PLC's activities. The Members need to contact the press themselves to get coverage.

The issues you raised with respect to time constraints are very important. Some PLC

my party's paper or my newsletter.

I want to stress the importance of resources. I borrow resources, pressure the legislature to get more resources.

1) There are too many places to visit so get volunteers to visit the places you cannot visit.
2) Letters are expensive to mail, volunteers deliver letters.
3) I didn't have an office for seven years, so I would borrow space. It is good not to have a fancy office.
4) I often attend meetings where I do not speak, just listen.
5) I borrow a photocopy machine from unions, etc. People were glad to donate "in kind" support.
6) I ask interest groups for lists of people.

I do not send the entire transcript of sessions; rather I will send the index. We built resources over time, now, I have a part time office-person and a small office. I am quite frankly encouraged at the work you do given the circumstances you face.

Ms. Phillips:
I will open the floor for discussion.

MPLC:
The situation might be vastly different here. We represent a national legislature, not just a provincial one. Citizens see us as responsible for everything. The citizen might come to the Members and not everyone is responsible for that issue.

Some council members devote much time to the legislature itself. I also believe your experience is quite different. We go to the constituency offices once a month. The nature of the work makes it difficult to have set office hours. It is probably better if we had our own offices rather than shared ones. Voluntary work is important and members have support. The staff in the shared offices are not for individual members.

There is no sovereignty of law, no standards, no criteria. Who do you help, support? Is data accurate? Is the person looking for a job deserving of employment? There are no guidelines. We should not blame the constituency, it is our burden.

Mr. Ashton:
Canadian provinces have sovereignty over health care, education, infrastructure – very decentralized. In terms of our committee, we used to sit five days a week, but now we meet for four days so we can also work in our individual districts.

We used to have multi member constituencies. The fault is never with the constituents. It is difficult to deliver results, but people will understand if you are trying. Communication

The communications between the constituents and the members can be unique for each situation but the objectives should be clear. If reelection is the goal for some and building democracy for another, the methods will be different.

MPLC:
Let us focus on the topic, not just all of our concerns -- funding, staff are other subjects. Let us focus on constituency relations, and the relationship between the Council and the people as the whole. There are differences in the experiences presented. I cannot face a constituent who asks me what I have done about closure and settlements or about a bill I have passed. There are two levels of relations. The member-constituents and the PLC-public.

Ms. Phillips:
I will ask Mr. Ashton to summarize.

Mr. Ashton:
This discussion has been tremendous. I am learning a great deal, and would like to mention one thing from a personal perspective. I think a balance should exist between the goal of getting reelected and the broader goals. There is a saying in English: "think globally, act locally." I believe in the rights of the Palestinians. There is no problem between representing your values and your constituents. The conditions of Aboriginal people in Canada is similar to refugees here. I cannot do as much as my party can but I can represent them. When I help one person, I am contributing to the big picture, building one road helps build the state. I commend your efforts, it is exciting for me. Thank you.

Mr. Surty:
How do you get the people to understand your limitations as a legislature? Many legislators are limited in their power. Why cannot you disseminate the information without traveling? I think you can, and I would like to see these issues raised.

Should communication be oral or written? A new discipline must emerge that involves more formal communication. The dynamic of communication is important for people's understanding of the legislature's limitations. In South Africa, we had provinces with contradictory laws. You must make your constituents understand the barriers so they appreciate your efforts. In the limited time of your efforts, understand the capacity you have to create a good government.

Ms. Phillips:
I would like to introduce Mr. Creed from the Republic of Ireland. He brings to us the experience of working in a multi-member constituency.

Mr. Michael Creed,
Member of the Irish Parliament:

members are very active in the constituencies but not in the legislature and vice versa. Some Members are active in both or inactive in both. Maybe the least active has a better chance in being reelected. I think we share similar experiences as South Africa. We consider the ANC a twin of our struggle and we have a lot to learn. How can we be connected to constituents? I understand that we have more than what Mr. Ashton has (offices, computers, cars) and we have a lot of privileges. We have a problem though in achieving work in the PLC, as we only meet 18 hours per month. I do not think we are a legislature that works. I am very active in my constituency -- visit refugee camps, schools, etc. My priority is to serve members of the Fateh party. These are the people who come to me, they are my natural constituency. As this area is small, we can travel in short periods of time.

Mr. Ashton:
I come from an area where party is really strong. Party discipline is strong, and limits what I can say in the legislature. The communication is the key with the Executive. Also, some issues are across party lines. I also want to mention South Africa as a relevant model, probably the most relevant.

What you have achieved so far with respect to the establishment of institutions is remarkable. I am very impressed with what you are doing.

MPLC:
Regarding what Mr. Ashton said with respect to communication, I completely agree with him. Many of us thought of developing newsletters, calendars, etc. but there are a number of constraints. I wish the problem was the distance, but in fact, closures are a huge obstacle. Gaza has become a separate country for us. The closure of Gaza equals a siege. PLC members have a VIP status [to ease travel], but we do not want to be perceived as privileged. Regarding our opposition, it is different here because it is outside of the system of this institution. The opposition here wants to present an image, corrupt image of the PLC which poses a big obstacle to members vis-a-vis their constituents. We, as PLC members, are always complaining and this makes constituents pessimistic as well. It is our job as members to come up with solutions. The relations between the PLC members varies and this also affects our work with the constituents.

MPLC:
In our context, political allegiances have a big impact on constituent relations. The opposition, moreover, is potentially strong. The problems will repeat themselves unless we address them. The means of communications with the constituents are difficult and people visit non official offices more than official ones. In this respect, methods of informal communication are important. In addition, PLC sessions need to be broadcast on TV. In addition, the PLC, as my colleague said, should meet for a longer time.

MPLC:

decision-making abilities. Casework: types of problems we face include: housing, unemployment, etc. Some problems aren't just individual ones; therefore, they become policy issues.

Multi member constituencies: if someone comes to me, and I have the capacity to solve the problem, I will handle it myself, but there are also collective policy issues for which we work together. For example, issues that come up in public meetings, might require a policy initiative from one or more members.

Mr. Surty:
While there are more constraints for you than in South Africa, one similarity is the mass democratic movement here during the Intifada (similar to South Africa). During this time in South Africa, we developed five core values:

1) any valuable government should be people-centered;
2) the political/legislative process must be people-centered. Consulting, interacting with people needs to occur at the grassroots level;
3) transparency is essential in our work to inform the public of our activities;
4) part of the nation-building process is recognizing the diversity (social, economic, political);
5) peace and stability are necessary ingredients for economic and social development.

I was a negotiating member in the constitution, drafting process, Bill of Rights. Our Bill of Rights is based on human dignity, equality, etc. The Bill of Rights must represent values and aspirations of the people. A consensus was ultimately achieved. This progress which I described is a broad outline of constituency work. But before I begin on these topics, I should first give background.

South Africa has nine provinces; I come from the North West province which is the size of Israel and Palestine together. We have a system of proportional representation. I represent the entire North West province which is inhabited by three million people. Given that our country is so huge, we found it necessary to ensure that in the legislative process, people are engaged. We have a bicameral assembly; the National Assembly is directly elected, and the NCOP (National Council of Provinces) is elected by provinces.

The NCOP has both national and provincial powers. When we embark on legislative process, we use hearings. On a given issue, committees would contact NOGS, civic groups, etc., and this is important to know how people feel, what is important to the people. As our constituencies are so large, we have to strategize to handle issues.

The resources we have for the constituent issues are limited (equivalent to NIS 2000 per month). Therefore, we grouped together other members of the same party to pool resources. People from the same party have similar goals. In my constituency office, there

Thank you very much. I am very pleased to be here. There is probably no international experience that matches yours, but I implore you to stay on track because the achievements will be great.

Historically, the political situation is somewhat familiar. I understand the words peace process, negotiations, etc. The title of this workshop also applies to those sorts of international exchanges and I hope the international community begins to recognize your plight. I have been asked to deal with three items: staffing, funding and multi member constituencies. I think that perhaps the greatest problem is that you cannot fulfill all of the public's expectations.

I was first elected in 1989, and have never had resources for constituency relations. I drew on the infrastructure of my party at first to develop outreach in my constituency. It has taken eight years of my parliamentary life to develop constituency relations and seventy years of the independence in Ireland. The adequate resources I received for constituency outreach was achieved through lobbying within parties to get those resources.

No individual feels comfortable making demands especially when the constituents' problems with resources far exceed yours as the member. Please consider solving these problems collectively, rather than in isolation. You must be unapologetic. It is also a service to the executive. The better you are in conveying the needs of your community, the better the executive knows your communities' needs.

In Ireland, we have up to five Members in a district. The common good is improving the lot of your district, but there is an element of competition. The objective is to seek reelection, but you can still work together constructively.

Casework: How do you divide your time between the parliament and constituent casework? You must provide adequate time to listen to your constituents. Casework is essential to being well-informed about your people.

Saturday - Monday are days I devote to constituency work. It is very labor-intensive, but I find it very fulfilling. I work with the farming community and I believe I am a better representative because of the structured time with the constituents I have established. We organize hearings, and find groups that represent my community, which can address committees in Parliament to insure their needs are heard. We also organize hearings with the public interest groups. This serves a need because if the individuals and the groups feel they are not being served, they will turn to undemocratic methods.

In areas where we do not have jurisdiction, we have the moral authority to articulate and amplify the needs of our constituents. The settlements and the closures outside your legislative framework and mandate can be publicized by you. This will diffuse the discontent, but more importantly will bring the matter to authorities who do have

Mr. Creed:
I invited the representative groups who were most informed and affected by the legislation. I invite active members of these groups who are from my constituency. The public you represent need you to articulate their issues, and this is part of your responsibility. The results will not be immediately tangible but you must keep trying.

Mr. Surty:
There is a recognition of your limitations as a legislature, but you must create a framework to govern your society.

The basic law includes:

1) democracy;
2) human rights;
3) civil society;
4) separation of powers.

This indicates that the society reflects law and order. Within the confines of your limitations, you can still aspire to bring about change. As for NOGS, we have national, provincial, and local government. We have ten local governments represented in the national government (Council of Provinces). It does not make sense to talk about overwhelming issues but you must try.

MPLC:
Our rights, as Palestinians, are continually violated, and even laws that we approve are not respected. Michael, is the budget of the constituencies independent or is it their right to discuss the national budget?

Mr. Creed:
I engage my constituency in budgetary debate. I also arrange hearings on a parliamentary level between my constituents and the members. Issues that only my constituency face are handled locally.

Mr. Surty:
In terms of local government budgets, there is no infrastructure, clinics, schools, etc., people are unfamiliar with this type of planning. There must be an integrated plan. What are the costs of these jobs? Publicizing this controls people's expectations. Councils in local government must consult with the community. This gives us accountability.

MPLC:
Our members face limited funding sources. What are other means to fund constituency work? Each constituency office has at least five Members [in fact, some have fewer], who have different party affiliations. Some are connected to the Executive and are more

are national and provincial Members.

Because we have a calendar and set aside certain weeks for constituent work, we know how much time is allocated for constituencies. A lot of field work is involved in our relations with the constituents. It is important to utilize already-existent structures. When we go to constituencies, we usually go in a group with MPs, ministers, local officials for these meetings and people are informed, notified about these meetings through written or door-to-door notices.

Our office is in an urban area and there is always a member present. The MPs visit door-to-door, organize meetings, all types of strategies, especially the "people's forums" at least once per month to inform the people about the activities of the government. At those forums, local and national politicians are involved. Policy formation can come from casework in content of your struggle now, and the conditions you face with respect to limited jurisdiction. You can do this in two ways:

1) motions, i.e., putting the independence of judiciary bill on the table, getting the media involved.
2) the Basic Law. Stet drafting our Bill of Rights, there were two million submissions of suggestion from the public. This represented a very transparent process and there is an opportunity for you to do the same.

It is important to start discussing issues with constituents and seeking advice from the international community. The International Parliamentary Union is a good forum. Seeking this type of advice (internationally) also informs the world of your plight, situation, and restrictions.

MPLC:
As Michael mentioned, the limitations we face are legal. As legislators, we did not behave as common people, and were not active on a grassroots level. We have seen that it is good to be detained and mistreated to gain support among citizens.

However, we embody the importance of Palestinians because we are mistreated and helpless. But we also cannot get too involved in settlement issues. The Israeli occupation does not just threaten our land, but obstructs the democratic growth of our society. I enjoyed your presentations because they confirm the unity of mankind for freedom and democracy. These are common objectives that we all share. We cannot become engulfed in parliamentary and technical issues. Our duty is to combat occupation.

MPLC:
In the presentations made by Michael and Enver, the issue of local organizations (NOGS) was raised. Are you dealing with these bodies in all areas of legislation or just in areas of their interest?

MPLC:
Mr. Ashton, what are the communication methods with the government and opposition.

Mr. Ashton:
When your party is the government, the pressure is internal. There is the legislative party caucus in which you must agree with your party, come to a consensus. In the opposition, you can achieve change. Leaders do not want opposition to be successful but you can use the public opinion to your advantage. The resources to a member must not change according to power – everyone must have the same salary, etc.

In the Parliamentary debate, the government members have inside power but the opposition has a great voice to protest. It is easier to be in opposition but more gratifying to get things done in government.

There is cynicism that politicians are involved in power and glamour, but in reality their hours are spent improving things.

MPLC:
You mentioned that you gave a six-hour speech. Is the opposition viewed positively when this is done?

Mr. Ashton:
I gave a six-hour speech because 70 percent of Manitobans disagreed with the sale of the telephone service, but the government agreed to sell. We opposed this and felt that we needed to reflect the interest/passion of the people. The government always does things outside the will of the people. The legislature must keep the government on track.

MPLC:
In Canada, representatives receive stipends, one of the major problems we face is unemployment. A lot of people do not want to work. How would you compare the situation in Palestine versus Canada, because in Canada, the government gets a lot of money, whereas our PA does not have a lot of revenues (outside of foreign aid)?

Mr. Ashton:
The programs are important and they take a long time to develop (e.g. health care took ten years in Canada – something that the US has been unable yet to achieve.) In Palestine, people need political and economic democracy. The people take this for granted and international community has to play a more committed role. In South Africa, the international community was important to freedom movements in terms of raising awareness.

MPLC:
Some of my comments are aimed at letting our guests benefit as much as we do regarding

powerful than others.

MPLC:
Is there an issue on which you pressured the Executive by using constituent pressure?

Mr. Creed:
On the question of constituency offices and fund-raising, I agree full-heartedly that sharing an office, particularly with people of different political parties, is very difficult. When I started In 1989, I had no assistance, now I have my own office. The most desirable situation is to have individual offices, though a committee in Parliament on Parliamentary affairs should deal with funding of constituent offices.

Members, unapologetically, have to work to gather resources and can do this collectively through your Council Affairs Committee. Prior to state assistance, I would ask in the community for assistance (e.g. community groups).

Mr. Ashton:
There is no parallel to the Palestinian situation. I want to address some of the specific questions regarding putting pressure on the government.

1) when my party was in the government, I wanted to get an extension of my school, I brought together the minister, other officials, etc. the minister directed the department to build the school;
2) when I was in opposition, the road situation in my district was very bad. What did we do?
- petitioned;
- raised the issue in the question period;
- used the media – e.g. "the government is ignoring our road situation."

There are different ways to handle the issue of funding. We have 23 MLAs (members of the legislative assembly) in the same party. We pool resources and put it into caucus. Members who want to be independent can receive funds individually through our equivalent of the CAC (Council Affairs Committee), which let us know how much money we have each year. We also have individual and party affiliations. My suggestion is to give the CAC a mandate to create a legislative budget for members and parties.

MPLC:
We do not have budgets for the individual members.

Mr. Ashton:
This is what I was talking about. People do not know how resources are, or should be, allocated.

provincial events.

I also want to talk about the qualifications of the staff, and the importance of having people trained and trustworthy which is particularly important in the PLC district offices where staff is shared. How they deal with casework, public relations, etc. is very important.

I think you have a very unique situation in that respect and I hope we can spend time on this tomorrow. I was in the legislature when the Legislative Management Commission was developed and also participated as a chairperson when I was Speaker. During these meetings, we decided all of the details of funding constituency offices, as well as the operating rules (e.g. using legislative not party letterhead). All of these details were determined in this committee (money for furniture, staff, etc.) which is similar to your CAC. When I was the Speaker, the MPs had to submit bills and I had to sign them so there was oversight and transparency.

MPLC:
Ms. Phillips, as a member, who did you represent?

Ms. Phillips:
I represented an inner-city constituency with people wealthy and poor, very mixed, aboriginal, immigrants, single parents, etc. I didn't have to travel far between the Parliament and to my constituency (they were in the same area).

I agree that voters tend to be fickle in cities. I originally come from a farming community that votes the same party, always. We had a member from our party that represented a constituency since 1942, he lost one term only (four years), with forty years of service. It was a transient area but people were connected to their member. He would give out leaflets, even in the coldest weather. Mr. Ashton did the same, four seasons a year, visiting constituents.

I lost the election because political winds were changing, but I served my constituents. In the end, pension or not, if you have accomplished things for your constituents, you have served them well. I also enjoyed being a Speaker, upholding the laws of the legislature.

Mr. Surty:
In South Africa, the rural communities must be visited, although it is difficult. Radio, TV are helping tremendously. You cannot assume how people will vote, so constant communication is critical.

MPLC:
Time management is very difficult. While this is an important workshop, there are other things occurring at the same time. There are many things we must attend. Modern

economic democracy. We, PLC members, must emphasize education. Sometimes we have to stand up against our constituents to tell them what is right, even if it angers them. This is an integral part of our work.

MPLC:
I have small questions:

1) We get many social invitations from constituents. How do you choose which events to attend?
2) Do all letters issued by the constituent office need to be signed by the member?

Mr. Ashton:
I have a problem because I used to sign all my letters but there are now times when it is impossible. Now, I always sign personal letters but staff sign some too.

Regarding events, this is difficult. Weddings are very important but so are other smaller things (opening of an office for example) and I cannot attend all. I have to prioritize. National holidays, weddings, social events, etc. are very important.

Mr. Creed:
I try to sign most things. Sometimes the secretary does. The invitations are the yardstick, I use to decide on invitations of the level of exposure I would likely get. This may sound cynical but in a highly competitive environment, this is important. Some social events (e.g. retirement party of political party worker) are very important. But time must be reserved for your own family too.

Mr. Surty:
It depends on the content of the letter – if it is an invitation or an informal request, the staff can respond, but on a complex issue, I will always sign and generally write this letter. Also, the letter has to be well-written so the capacity of your staff is important.

Regarding the functions of an MP, there are two issues:

- social duty,
- political duty.

It is important to balance the work, maintain good social relationships but there are political duties too.

Ms. Phillips:
I used to look at the invitations and divide between general provincial issues versus specific issues and would definitely go to the social events of groups that supported our party such as labor unions, women's groups, etc. I always put constituency events before

they do not know how members in plenary voted on certain amendments.

Sunday, October 27, 1997

Ms. Phillips:
Today, we have presentations regarding constituency work from:
Mr. Marwan Barghuthi who has a shared constituency office in Ramallah; and
Mr. Salah Ta'mari, who works in one private and one shared constituent office in Bethlehem.

They are going to share their experiences regarding their constituency work. It is important to gain the perspective of some people who are trying to work here on constituency relations. I would like to welcome Mr. Marwan Barghuthi to discuss his constituency work with you.

Mr. Barghuthi,
Member of the Palestinian Legislative Council:

I share an office with four members who belong to the same party as I (Fateh). I do not think members with different political affiliation should be together. Seventy-five percent of my time is in the Fateh office and 25 percent is in the Ramallah PLC office.

It depends on the member, how he wants to work, prioritize. There are three main areas in which to work: in the Council, in the committees and in the field. We feel these areas are prioritized differently by different members. Some play no role in any of these areas.

I believe because of the interest in politics here, there are three areas in which the PLC Members work: politics, legislation, and public service. Work as a PLC member includes:

1. political issues, holding executive accountable;
2. working with constituents;
3. drafting and passing legislation.

My constituency work is in Ramallah. I cannot just give time in Ramallah because of my work in Fateh [as the Secretary General of the party]. First, I attend to people in Fateh, the prisoners' families, martyrs' ; many of the former prisoners are looking for jobs.

The general public visits I conduct include about 81 villages and refugee camps. There are individual problems. They present their issues. I also meet with NOGS, academics, professors, political parties and the opposition. We share comments on legislation, activities, and learn their positions on issues.

I work and meet with the Fateh committee in each village. I also go to public meetings

communication and staff do not exist here, which adds a burden to the individual member.

MPLC:
We must communicate with our constituency. They do not call our offices. I speak for the disabled, and went to a presentation but cannot spend all my time on this issue. There are protests all the time, they do not coordinate with me. I do not want to be blackmailed by my constituents.

MPLC:
Can you publish the resolutions of your legislature without formal permission?

Mr. Ashton:
Everything in the legislature is public knowledge. The Hansard (written record) contains everything. There are no restrictions on what I produce. I can distribute a bill and ask people what they think. You must publicize everything possible. In Canada, the Hansard is on the Internet, (even though no one reads it!). However, summarized information is more digestible. Use the Council notes if available. If the government produces something good, I will publicize this.

MPLC:
How do you convey votes on legislation?

Mr. Ashton:
People are entitled to know how you vote and who attends the meetings, the plenary, the committees, etc. Also, people should be able to find out your legislative allowance, how you spend the money.

MPLC:
In terms of voting on important issues, like women's rights, is it the constituents' right to know how you vote? Is it not a necessity that votes should be taken by name?

Mr. Ashton:
Yes, of course. If people elect you on a platform, they should know if you are following it.

Mr. Surty:
It depends. Sometimes we vote by party, not by name; but the plenary is open to the public, so people can see for themselves.

Ms. Phillips:
In Canada, even if we do not have roll call vote, and it is a general vote, it is assumed that the government will vote a certain way. Even on a general vote, that is not by name, a member can then request a recorded vote. I find it disturbing how you vote. No one knows what the consensus is. There is no recorded vote. Then it goes to the committee,

legislation, even if they are not a member of the committee reviewing given law. The third is public issues, local councils issues, etc. Each member can work in constituencies. With visits, you find that some villages do not want anything. In the 1950s, under Jordanian rule, the representatives never visited us. Constituents can contact us to complain about the Executive. It makes up for the limitations of the PLC. The Legislative Council is not just a meeting hall.

Ms. Phillips:
Thank you. I will now ask Mr. Salah Ta'mari to speak.

Mr. Ta'mari,
Member of the Palestinian Legislative Council:

Thank you. What governs my work is two factors:

1. My background, former experience, e.g. working with student unions.
2. My membership in Fateh movement. I am one of the longest serving members (but I ran as an independent). Therefore, my incentives were more than those of other members.

I saw elections as a challenge. I am a returnee so I am like a tree that wants to extend its roots. During the previous elections, I wasn't able to organize a campaign -- I had to go directly to people. Results were excellent. I got twice as many votes as other candidates in my district. A cross-section of people voted for me which means I am responsible for everyone. I am a member of Fateh but I have no organic affiliation at the municipal level, only at a central level. I refer to committees for advice in my every day work.

I had to find a way to reach out to the electorate through meetings, outreach, etc. In my first months of the PLC, I began monthly open meetings with constituents, ministers, etc. The objectives of these meetings are:

1. To give an opportunity for citizens to meet with me.
2. To give an opportunity for citizens to meet with officials, ministers, security officials and express their opinions.
3. through these meetings, I focus on a cross-section of people, so everyone is aware of everyone's problems. We are a small district but there is socio-economic and ethnic diversity.

In my district, there are diverse cultures. So, how does each group view the concerns of other groups? These monthly discussions raise awareness of everyone's problems. The local media (three TV stations, radio) cover these meetings which creates a greater impact. Citizens, in these meetings, play a big role. I talk at these meetings about what the PLC is doing, bills, etc. I also use it as a forum for discussion of issues of importance to the constituency. Another goal relates to the historical place of the PLC -- I want to leave

with village councils as well as with women's organizations, youth clubs, etc. I have visited 64 out of the 81 villages in Ramallah so far, and have held meetings there. I do not believe in meeting people in the constituency office. I spend time during the day in the Fateh office and I organize meetings, research.

Some of my colleagues do not believe in going out to the field, but I think we must go to the people. People do not differentiate between members, ministers, government, Fateh, etc. Through these meetings in the past one and one half years, there have been three issues in my constituency. Over 74 percent of complaints related to the areas: 1) confiscation of lands; 2) employment and closure; 3) and services to villages and camps - schools, roads, etc. But no one talks of the Basic Law, the constitution.

Academic people discuss the Basic Law because they do not have the more basic concerns like water. The most important bill for people is the Civil Service Law. Many people are employed by the government and I must work for the will of the people. I listen to people's suggestions, they respect the Council, criticize the cars. Perhaps they are right.

What about the follow up to these meetings? The President, public institutions? There are human rights concern issues. I submitted 183 cases in the first year requesting health care treatment for constituents.

The second issue of concern is schools, especially for girls in the country. There is little education in the rural areas. People are not totally illiterate but do not go beyond the fifth grade. I am concerned with this. The Ministry of Education is prioritizing female education but we must understand this to follow it up with appropriate action and legislation.

We follow up these issues regularly. I use the plenary sessions to raise the issues to Members; also in the corridors during the sessions. The PLC meetings are useful to get papers signed for people's entry into hospitals. I spend my time at the Fateh office and visit people in the field. I also attend special occasions to meet with people. It is also good to cooperate with organizations like PECDAR, the donor relations organizations. Sometimes, emergency programs for workers are introduced that some Members do not follow up. I believe that we can achieve things. We are successfully pursuing PECDAR programs. Each member represents the people. My constituency is owed these services.

There are activities with women's organizations, from whom I received many votes. I devote attention to the women's issues, the municipal committees, lobbying for appointment of women in local councils. In brief, I want to summarize. There are three axis: Council, committees and constituency. Being active in one-third is not sufficient, even two-thirds. The members must reach a balance. I do not accept absence from many of these things. As for the fields, the priority is the political one. Some Members do not follow up enough. This is not acceptable. Each member must also focus on and understand

I sometimes go to the constituency office for twelve hours per day, but we need harmony among the Members. We need to coordinate amongst ourselves -- there will be some competition between members but we cannot be petty. There is a need for a moral commitment. We have different experiences, backgrounds, but there are similarities.

Ms. Phillips:
Thank you very much. There are some points I would like to review. The shared offices with different political affiliations are very difficult. One of the things we should look at, the question of how is the money allocated for these offices; is it available to be used independently, or can Members choose to share offices, but with people of their party? I will open the floor to questions.

Mr. Ashton:
What Sabah and Marwan are doing can serve as models anywhere. The Council is truly part of a process for autonomy. You would be in the top ten percent of active members in Canada. I have some points. The first is the conflict of roles, when groups do not coordinate. The Basic Law is very important, but, of course, the many unemployed and hungry people have other concerns.

The surveying is amazing. You know what is occurring in your district. The public meetings are also very impressive. What kind of attendance occurs at the monthly meetings? What contact occurs through outreach? I too discover people who abuse my position -- do not always believe what you see.

Mr. Ta'mari:
Citizens find the monthly meetings, especially those living in distant villages, as an important invitation. About 100 people attend, I always hope no more than 700. Often, the ministers follow up on the monthly meetings at distant villages. At the last meeting, the handicapped people were visited by the Minister of Health. The last time a minister came to the village, he asked where the media was. People were surprised. They have grown more able to communicate with high level people though.

Mr. Barghuthi:
The degree of participation is good. Meetings conducted by members are attended by 25-40 people, representative of the public. Sometimes, I attend only Fateh meetings. There is criticism though that these meetings do not include women. There are other meetings (with different sectors: land owners, etc.). My economic understanding is limited but I believe forces are sometimes working against investments. People are taxed 78 percent of their income. After a meeting with the Minister of Finance, I discovered that the figures were not accurate. Sectoral meetings have 15-20 people, representing a much larger group.

Members have different focus. Some work in the mosques, some members work many

hours in the constituency. I respect members who work hard for the constituents, like getting roads, electricity, schools, etc. It is important to get ministers to see different areas. We had a meeting which was attended by 53 local council leaders and the Minister of Health.

It is important to visit all the groups to keep everyone happy. Sometimes it makes conservatives angry when I visit women's associations. If I conduct a meeting in a village that I am helping, it is not wrong to involve the media.

MPLC:
These frank discussions are very important. Listening to each other helps. In the PLC, the political situation is the core. In addition, we are working in a *Legislative Council* for the first time. We try to cover all three aspects of our duties. I think there should be central decision-making. I believe the offices should be equipped, but we should not have to spend too much time on this, we should not work as our own suppliers.

The new census will be very useful. We try to work collectively (all four members in my constituency,) to visit groups, schools, etc., so that the public will feel our collective effort. We cannot solve everything, but whatever we can do will help. Our remarks reflect the concern of all of us that we can never do enough. At times, we only have nice words to say, as do the ministers.

Perhaps, the collective offices create sensitivities among members. Some use them more. Staff help some more than others. We should have individual offices but without this, we should lobby the Executive Authority for more equal service.

MPLC:
The Council Affairs Committee is meeting at 3:00 p.m. tomorrow – we should talk about this issue.

MPLC:
I want to talk about the outreach to the people. This is an art in itself. We should exchange experiences, but there is no model. Dealing with the masses is dependent on the members and the constituencies. There are fixed principles, though. The presentations by Marwan and Sabah were very interesting. I am from the north, I cooperate with my colleague (two-member constituency). My constituents knock on my door at 6:00 a.m. and 12:00 midnight (because they are farmers). My house is my office. The other point is that politicians have their own style. Each one of us has his abilities. Another point, is that due to the nature of situation, time is limited, so, we intensify working hours as much as we can.

First, Hebron is a huge district, with many Members interacting. Other districts are small. In my constituency, I have a program, meeting people to pray on Friday in the villages. I

meet with the village councils, elders, etc. We visit the diwan and we discuss their concerns. I meet as many people as I can -- teachers, employees, etc. In the 30 villages in my constituency, I also use a questionnaire. In terms of events -- meetings, funerals, weddings, etc., I created a volunteer committee whose members attend on my behalf if I cannot go. In villages, there are activities, including protests of settlements, school openings, etc. I participate in visits from donors, ministers, like a local ambassador. I visit the villages during floods, seasonal events, the output of the harvest, but I also do my duty as a legislator. I spend time in the cities more because it is easier to get around.

We are surrounded by Israel and closures which create unemployment, I check the markets so I know exactly how much people suffer. I use the local media. I am on TV twice a month talking about the PLC, and people call in directly with questions and comments.

In the city, when there are numerous activities (i.e. sports events), I have to be there. I work with the governor who is a colleague. The main point is that constituency work is an art and is different for everyone.

MPLC:
I think that the experiences of Marwan and Sabah are pioneering ones. I want to talk about the joint committees. I think everyone uses the form that Sabah explained, there is a need for good staff.

In the joint offices, any deputy can work on any issue, following up each others' work, working collectively. There is a need for a central council in each district to coordinate this. In addition, the youth sector, clubs have been neglected. I have built four youth clubs in my district.

MPLC:
I think there are three topics that are now being discussed. We need to separate the issues (strategies, forms, content of the relations with the constituencies).

Most methods of the communication are not new, so there is no need to reinvent strategy; but content differs in what should be included. For example, I agree with Sabah and his methods -- field visits, public meetings, using media, personal visits, attending social functions, using volunteers, etc. All of these are good comprehensive strategies.

Regarding the constituency offices, I think the CAC should study a recommendation that I will suggest: set a budget for constituency work that allots money equally. If members want to group together they can, if they want individual offices, then they will have individual offices.

I would probably open my own office, assuming I would get the same funding as everyone

else.

MPLC:
There is already a budget.

MPLC:
Yes, there is a budget. My suggestion is that MP or group of MPs would submit official resources. This is my suggestion to the CAC.

In terms of the content of the relations with the constituents, I disagree with Marwan. I see two issues in this area:

1. The balance between the individual vs. the group problems: we cannot solve the health problems of the entire group. Marwan spoke of health and education, but he didn't mention how he appoints Fateh people to the Executive. This affects his transparency. The balance between general public concerns and individual ones is of critical importance; and,
2. The balance between the national and district concerns.

I appreciate my colleague's [PLC member, Salfit] ability to bring attention to his district, but this isn't a substitute for dedicating time to national concerns. We formed a committee of MPs from Ramallah, including the Ramallah governor and the local ministry. As a group, we summon members of the Executive and question them on policies. Therefore, there is a balance between the public and individual concerns.

Both Barghuthi and Ta'mari spoke about these relations only in one way (i.e. how constituents keep us busy, not how MPs keep constituents busy). I think part of MPs' work is not just to legislate, but to get citizens involved in this process. If I have a program, I want to get support, and sometimes it is a matter of telling them the policy.

In these two-way relations, there is a weakness we all share and that is strong oral culture, not dealing with written documents, newsletters, etc. For example, the office hours of the members of the Council are not published in the newspapers. People come to our house because of tradition, but we should not be imprisoned by that, we need to change people.

MPLC:
I said yesterday that sometimes we do more than our tasks as MC's, more than we need to do. The budget is one of the most important activities of the Council, particularly with oversight. The 1997 budget was based on "just distribution of projects and funds" focusing on urgent development areas. These are legislative decisions but are ignored.

The PLC does have a budget for the constituency offices divided into stationary, staff, etc. There is no equality of distribution because of differences in the size of the constituencies,

the number of members, etc. So, I support the suggestion to allocate money to each member. I hope that in our work as MC's, we set legal precedents as well as legislative ones on which democracy can be built in the future.

When we began, we opened offices similar to the post offices, the staff would collect the papers. These contacts have [complaints] because of visits to schools. I think this is the key, particularly meeting with teachers, hearing their problems and bringing them to the PLC. Also, important are visits to rural areas, meetings to mosques (very important in our community), and the same applies for sports clubs. There are many methods to communicate, but, the most important issue to people is security, psychological stability. Without this, everything falls apart.

I agree with Mr. Barghuthi but disagree regarding the Basic Law. I think it is very important – any grouping without a law is chaos.

I have a question. What is the percentage of those who visit your offices from the constituency?

Mr. Barghuthi:
There are guidelines for means of communications. The details are different. The difficulty is the equanimity towards all sectors, rather than giving more attention to one sector. I had to work within the Fateh movement because that's how I got elected. It is a base of support. Another colleague wants laws that do not provide equal opportunities.

My position in Fateh is more important than my position in the PLC. I got the least number/percentage votes from my movement. There were problems. I must serve these people. there is no difference between substance and means of communication. We cannot avoid our responsibilities. I have an example; a family came to me with a three-year old child who became blind from cancer -- I got a decision from the minister to transfer him to a new hospital. But the minister didn't have the authority, so I had to go to the President. I want to safeguard the Executive Authority but combat corruption in it. I am proud of my service to Fateh and the public.

Mr. Ta'mari:
Thank you. As I said, the concept of outreach is very important. It is a two way street. The constituency must be answerable to my demands. For example, for laws that are being discussed, I distribute copies of the bills and receive comments. I am helping change policy on development and construction and used input from the public to do this.

A very important hospital has been closed, and we want information about this. I see myself as a link to the committees. The exiled, the prisons were arenas for struggle, like our homeland is now. This objective is permanent for us and we will use all means. The establishment of an independent state is the permanent goal and our work in the PLC

isn't a job but a purpose in life.

In closing, I learned very much from my colleagues in other districts. The number of cases I have dealt with is about 1300 (recorded and documented).

Mr. Surty:
I feel very humbled today hearing what your constituency work entails. This is a big sense of pride. I think what would be appropriate to do here is to highlight certain areas and suggest mechanisms that can be put in place. There are certain tools members can use.

What has also emerged is that the primary functions of a member are political, legislative, and public service – working with constituents. A constituent must always be heard, even if their opinion isn't necessarily right. The integrated approach like what Sabah mentioned, is what we are doing in South Africa. For example, we conduct surveys to determine the priorities of the communities.

Also, important is the notion of a two-way exchange with all the stake holders in the process, as well as an integrated and cohesive approach. I am also pleased to have heard examples about women (52 percent of South Africa's population are women) and it maybe interesting to note that in the ANC, there is at least 30 percent female participation and this is essential. What Marwan said is at the heart of the legislative-executive relations. This interaction (formally and informally) is critical. The most important function is as a public servant which includes everything, not just being a legislator. Nelson Mandela told us he wants to interview each MP to review the constituency work he is doing (e.g. comparing surveys to realities).

The NOGS play an important role in developing democracy. They have skills that will facilitate the interaction with constituents by providing training. In South Africa, we interact with the NOGS on a very democratic basis.

Regarding what to do with a councilor who fails to fulfill his role, there are legislative rules, the party whip system in South Africa. The role of staff in this is very necessary. Reports evaluate the work of the members, by holding members accountable to his or her constituency. We have reports each month presented to the party chair.

The party caucus is another mechanism to ensure that members are fulfilling their responsibilities. In addition, institutions in Parliament and in party organization ensure this accountability. Another point is that members should not forget that they represent a party. For example, a member cannot refuse to work with a constituent for political reasons, but still there is responsibility to their party. These cannot be divorced from each other, and this is part of the work of the public member.

Regarding the supreme law, one should look at integrating the work of informing the

public to build the civil society. Sabah has provided us with useful tools, these reports are very useful and can be expanded. It is important to have a two-way focus in this process. I think one should pay attention to what another member was saying regarding the access need for a public service act. One must look at a domestic problems in a transparent and integrated way.

What has also become clear is the importance of the media (how to use it effectively, different methods.) The point is that MPS should be able to utilize print and electronic media to articulate the needs of the people.

What is clear from what Sabah has said was the two-way process of communication. You are developing a core of soldiers for your new battle. In the ANC, public servants (national and local) and people at the grassroots must be empowered, reflecting the notion of building for the future, building new politicians.

Regarding the constituency offices, the positives and negatives were raised; one negative was that they are seen as offices of the Executive. This can be overcome with educating the public, relationship between the staff. The negatives are not disadvantages, they are just challenges.

The positives are many, including the higher public access (notion of having an office in a central place). Also, I have to agree with the suggestion to reallocate funding for constituent work, giving each member a certain amount individually. I think this is a useful exercise and good for the democratic development.

Perhaps I will conclude with a note about accountability:
How do you as an MC create a perception that you are independent and the Executive is accountable to you? The budget process is probably the most important, and accountability must be ensured. In South Africa, before the budget is passed, there is a consultative process, including provincial leaders. This is important because South Africa, like you, has differences between areas. The notion of equitable distribution because of this consultative process before the budget is very important.

It has been a singular privilege for me to be here and I have conviction that you will be able to handle anything as legislators.

Mr. Creed:
Thank you. Mr. Surty provided a very comprehensive review. The three of us do not have prescriptive solution. There is no blueprint and experiences differ. There are four key principles at issue, tracing back to what the question of the role of a member. Legislation is important. At the Council level, a mechanism must ensure that members attend to legislative duties. The minimum obligations must be met. Sanctions must be used when members are not disciplined in this.

You have a high level of people involved in legislation, at the same time, people have high expectations. In the West, there is a good deal of apathy. It is likely tiresome to deal with constituents all the time. The second major role is being a public representative. It serves democracy to represent your constituents, even if you cannot fill their every request. There is a moral authority to do so. I would like to conclude by thanking NDI and the members. I learned a great deal and wish you success.

Mr. Ashton:
I would like to conclude with some themes: I am impressed with the recognition of democratic governance here. Western countries have apathy toward the government, even though we have the institutions.
Whether you pass a Basic Law or help an individual person, they are both worthy goals. I am also impressed by the respect for the differing opinions, critical and self critical analysis is important.

I see you representing the people. The casework is crucial. People wonder why they should serve constituents who worked for them. In every legislature, some people do not uphold their responsibilities. This detracts from the overall goal. Whatever you can do is working towards a solution. Everyone's demands are different. Our offices do not have to be opened, but the money is available. I am struck by the lack of collective resources. I think public relations are really lacking here. You need staff on this.

I have one person in my office but I work through my party. There is weakness in not writing things down. Protocols are useful, written response is very useful to then show to people.

MPLC:
What was said by Mr. Mr. Surty makes me want to speak again. It is critical for us as PLC members to distinguish between individual complaints and issues that require policy action (e.g. employment of ex-prisoners) issues that are of national policy concern must be handled appropriately.

Ms. Phillips:
What is being raised here is another issue -- the government policy -- issues from constituencies turned into legislation. I would like to make some observations:

Mr. Barghuthi:
I would like to thank everyone for the very important remarks made. We have a great collection of experience from this. I agree with my colleague that establishing institutions is very crucial, but we must also tend to individual cases. This is a duty of Members.

Ms. Phillips:
I would like to summarize points make and then create an action plan for you to adopt in

your constituency work.

1. Adopt and use your own style;
2. Arrange strategy for the meetings;
3. Develop research capacity (staff/volunteers), perhaps in committees;
4. Follow-up on casework. After interviewing people in detail, and then divide the follow-up work;
5. Educate constituents on democracy (civics) and highlight the unique role of the PLC, as a democratic institution in Palestine;
    6. role of the PLC and role of Members,
    7. teach people Parliamentary procedure for things like public meetings in order to influence future generations;
8. Interact with the Executive regardless of party ties. The Executive is often seen as the opposition here. Taking constituents' needs to the Executive must happen;
9. Balance national and local issues. The national issues are a good source of coalition-building among the PLC members;
10. Use the public meetings as a forum for discussion (legislation, getting feedback while bills are being discussed.)

One point about staff – there are problems in shared offices as some staff are closer to some members than others. Standards, therefore, must exist. Candidates for staffing must be qualified. The parliamentary offices are not involved in casework in most countries (especially in the high positions such as the Speaker's office), so it is critical to have capable, organized staff working in your district offices.

MPLC:
How does this work?

Ms. Phillips:

1. People can call the party caucus leader and complain if the member is not handling the casework;
2. Money: find members in your party with whom to share offices, review the division/allocation of money;
3. Media, technology and oral communication -- use this technology. You can get to constituents via mail and E-mail -- mail legislation and put it on the Internet and if there are closures, constituents will still have access to information;
4. 37Take advantage of human resources.

Ms. Phillips:
Thank you very much, and good luck in your important task.

APPENDIX E: STUDY MISSIONS TO HUNGARY AND GEORGIA

Terms of Reference
Mission Agendas
Biographies of Palestinian Participants
Program Reports

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MEMORANDUM

TO: Members of the Palestinian Legislative Council

FROM: Chrissy Mataya, Program Assistant NDI-Washington, Governance Team
Myrna Phillips, Director of NDI's Program with the Palestinian Legislative Council
Laura Abrahams, Program Assistant, PLC Program

DATE: June 1, 1997

RE: Terms of Reference for Study Mission of Palestinian Legislative Council Members to Hungary

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I. INTRODUCTION

Thank you for agreeing to participate in NDI's study mission to the Hungarian National Assembly from June 15-20, 1997. We have invited six members of the Palestinian Legislative Council (PLC, or Council) for this mission, and you will be accompanied by three members of the NDI staff. This memorandum describes the purpose and format of our program.

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To enable Members of the Palestinian Legislative Council to observe the proceedings and deliberations of the Hungarian National Assembly;

2) To reinforce concepts raised in previous NDI workshops, relating to the role of committees, plenary proceedings and legislative-executive relations; and.

3) To enable PLC Members to gain insight and receive advice on this process of democratic transition from fellow parliamentarians who have successfully made this transition.

III. PROGRAM BACKGROUND

Since October 1996, the National Democratic Institute (NDI) has been working to support the development of the Palestinian Legislative Council under a 16-month cooperative agreement from the United States Agency for International Development. NDI's program is premised on the importance of providing comparative examples of parliamentary experiences, and is focused on enhancing the legislature's capacity to legislate in an effective and transparent

manner; to play a role in oversight of the executive branch and represent the electorate. Areas for workshops. consultations and study missions to foreign legislatures include: plenary organization, the role of committees, constituent relations, and legislative-executive relations.

The objective of this study mission to the Hungarian National Assembly is to reinforce and enhance these workshop topics; namely, in the areas of **committee work, plenary proceedings, and legislative-executive relations.** We hope that through the various meetings and consultations you will have with Members of the Hungarian National Assembly and their staff, as well as with journalists and NGOs, we can encourage a constructive dialogue about how the Hungarian democratic transition could be relevant to developments in the Palestinian Legislative Council.

IV. BACKGROUND

A. Why Hungary?

NDI's West Bank/Gaza team selected Hungary because it provides an example of a recent and successful transition from one-party rule to a multi-party democracy. Known throughout the Central and Eastern European region as a leading model of democratic transition, Hungary provides an insightful example of lessons learned in effective political reform.

After 40 years as a rubber stamp legislature, the Hungarian National Assembly has become a vital institution in Hungary's governance. In the past seven years, the Hungarian parliament has evolved from an institution with Members of Parliament who lacked political experience and democratic role models, to an institution with highly educated and practiced professional politicians. Originally lacking staff, equipment and resources, the current parliament functions with ample people and material to enable members to successfully fulfill their roles as legislator and representative.

As a unicameral parliament, the Hungarian National Assembly can offer many comparative models as the PLC develops it own structure. The Hungarian National Assembly plays a critical role in law-making, has developed an effective committee system and actively conducts oversight of the executive. As we hope that you will share experiences and gain insight from the evolution that is taking place in such areas as Hungary's organization of the plenary sessions, the role of committees and legislative-executive relations. **(Please refer to sections C-G of the Hungary Briefing Paper for detailed information on these topics).**

Not unlike any policy-making institution, the National Assembly also faces public criticism and attack. Learning where its deficiencies lie and how public servants and elected officials try to repair these flawed characteristics is of worthy note. For instance, it took the parliament almost four years to agree upon and pass its own rules of procedure. During the first parliament, live broadcasts of plenary sessions -- intended to promote transparency and enhance public outreach -- actually harmed the reputation of the institution by making it look disorganized.

Also, some political scientists have noted the strong influence of political parties on the electoral and governance systems. Competition among the parties in the Assembly, especially during the first parliament, has resulted in polarization on many issues and fierce ideological debates. Possessing both problems and potential solutions that the PLC could consider and/or incorporate as it evolves, Hungary is a useful model to study.

B. Background on Hungary

The Hungarian National Assembly is a unicameral, parliamentary system of government. It is viewed as one of the most successful examples of a democratic legislature in its region and has grown into a very active body, particularly in its roles as policy-maker and overseer of the government.

The head of state and president is Arpad Goncz of the Federation of Free Democrats (SZDSZ). The prime minister, Gyula Horn, is the leader of the largest party in parliament, the Hungarian Socialist Party (MSZP). Both are directly elected by the National Assembly. Ministers are selected by the Assembly and many cabinet members are parliamentarians as well. Originally enacted in 1949, the Constitution of Hungary was most recently and substantially amended in 1989 and in 1996.

The National Assembly consists of 386 members elected to a four year term of office. It is the supreme law-making institution. The parliament "determines the organization, direction, and conditions of government, enacts the constitution and laws, determines the state budget, decides the socio-economic plan, elects a President and the Council of Ministers, [and] directs activities of ministries..." (Europa World Book 1996, 1507). Dr. Zoltan Gal is the current President of the National Assembly.

The electoral system is a hybrid: some are elected from individual constituencies, others from regional party lists and the remaining from national party lists (Judge and Ilonszki, 164). Thus, electors are represented by regional interests and party loyalties. The last elections were held May 8 and 29, 1994, resulting in 32.9 percent of the votes going to the Hungarian Socialist Party (MSZP). Forty-three of 386 parliamentary members are women and several minority groups each won a seat in the '94 elections including a Rom, an ethnic German, an ethnic Slovak, and an ethnic Croat (State Department Country Report on Human Rights Practices for 1996, 6). Members can be elected in two ways: from a regional or national list by proportional representation; or from single-member constituencies by a majoritarian basis.

Many of the present political debates taking place in the media and parliament stem from economic concerns. For instance, farmers have raised concerns against the government over diminishing subsidies and increasing tax burdens. During the 1994 campaign period, issues dominating the political discussion included: accusations regarding the two-year delay in passing regulations to govern the broadcast media; accusations against the pace and the administration of privatization; concerns about Hungary's borders; and concerns about the protection of Hungarian

minorities living in surrounding countries. As the 1998 election cycle approaches, the dynamics of inter- and intra- party competition are percolating up and influencing political discourse.

C. NDI Activities in Hungary

Since 1989, NDI has supported Hungary's democratic transition, initially by offering assistance to strengthen nascent political parties and to increase the efficiency and transparency of the Hungarian National Assembly. From 1990 until late 1992, NDI worked with the parliamentary parties to improve the organization of the legislature and each party's ability to service constituents. Throughout 1993, NDI conducted a year-long series of pre-election party building consultations with leaders and activists from eight major political parties. In March 1995, at the request of the leaders of six parliamentary parties, NDI launched a political party development program targeting local party organizations.

Legislative Training

Following the March 1990 elections, NDI developed a year-long program in which legislative experts and elected representatives consulted with MPs and staff from each of the Hungarian parliamentary parties. These consultations addressed amending the rules of procedure, drafting legislative proposals and overseeing classified information. NDI coordinated its work with the U.S. House of Representatives Special Task Force on Parliamentary Development in Eastern Europe (the Frost Task Force). In August 1994, NDI responded to a request to send two parliamentary experts to work with representatives of the six parliamentary parties responsible for revising the existing rules of procedure.

Following NDI's August 1994 rules of procedure consultations, the Hungarian National Assembly passed new parliamentary rules on September 20, 1994. NDI's assistance, over a four year period, was highlighted as an essential factor in the development of the rules of debate by parliamentary legal experts and the Chair of the Constitutional Committee. In December 1994, NDI translated the new parliamentary rules as a reference document for the National Assembly to present to non-Hungarians. To complement its work with the parliament, NDI produced an analysis of the rules of procedure and their evolution over the past four years.

Political Party Training

In anticipation of legislative elections in May 1994, NDI conducted seventeen individually tailored party building consultations with eight major political parties throughout 1993. The consultations aimed to develop an understanding of basic organizational concepts among a core group of political party leaders and to enhance the ability of these individuals to transfer skills to the second and third tiers of their respective parties. In early October 1994, NDI assessed its program by interviewing political party leaders to ascertain the impact of the consultations on the

development of strong party structures. In March 1995, NDI staff conducted a comprehensive baseline analysis of the state of local political party structures in eight Hungarian cities.

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MEMORANDUM

TO: Members of the Palestinian Legislative Council

FROM: Myrna Phillips, Director of NDI's Program with the Palestinian Legislative Council
Laura Abrahams, Program Assistant, PLC Program

DATE: November 17, 1997

RE: Terms of Reference for Study Mission of Palestinian Legislative Council Members to the Republic of Georgia

---

I. INTRODUCTION

Thank you for agreeing to participate in NDI's study mission to the Georgian Parliament from November 24-30, 1997. We have invited six members of the Palestinian Legislative Council (PLC, or Council) for this mission, and you will be accompanied by three members of the NDI staff. This memorandum describes the purpose and format of our program.

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To enable Members of the Palestinian Legislative Council to observe the proceedings and deliberations of the Georgian Parliament;

2) To reinforce concepts raised in previous NDI workshops, relating to the role of committees, plenary proceedings and legislative-executive relations, constituent relations; and,

3) To enable PLC Members to gain insight and receive advice on this process of democratic transition from fellow parliamentarians who have successfully made this transition.

III. PROGRAM BACKGROUND

Since October 1996, the National Democratic Institute (NDI) has been working to support the development of the Palestinian Legislative Council under a 16-month cooperative agreement from the United States Agency for International Development. NDI's program is premised on the importance of providing comparative examples of parliamentary experiences, and is focused on enhancing the legislature's capacity to legislate in an effective and transparent manner; to play a role in oversight of the executive branch and represent the electorate. Areas for

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workshops, consultations and study missions to foreign legislatures include: plenary organization, the role of committees, constituent relations, and legislative-executive relations.

The objective of this study mission to the Georgian Parliament is to reinforce and enhance these workshop topics; namely, in the areas of **committee work, plenary proceedings, and legislative-executive relations and constituent relations.** We hope that through the various meetings and consultations you will have with Members of the Georgian Parliament and their staff, as well as with journalists and NGOs, we can encourage a constructive dialogue about how the Georgian democratic transition could be relevant to developments in the Palestinian Legislative Council.

IV. BACKGROUND

A. Why Georgia?

In March 1997, Lana Gogoberidze, Majority House Leader of the Georgian Parliament, participated in an NDI workshop for members of the PLC in Ramallah. As Ms. Gogoberidze explained the difficulties faced by the Georgian Parliament during its early years of existence, PLC members noted a number of similarities between the Georgian and Palestinian cases. Given the high degree of Palestinian interest in the Georgian experience, NDI selected Georgia as an appropriate site for a study mission.

The Georgian case provides an example of a recent and successful transition from the Soviet-style of governance to multi-party democracy. Despite the political instability and economic hardship that Georgia has suffered since the collapse of the Soviet Union, its leaders have remained committed to political liberalization and reform.

After 70 years as an autonomous Soviet Republic, Georgia declared its independence from the USSR in 1991. In the past six years, Georgia has held several multiparty elections, drafted a new democratic constitution, and worked hard to develop effective and accountable political institutions. The Georgian Parliament has evolved from an inefficient body of over 30 competing parties and groups, to a more disciplined institution where a smaller number of parties have learned to work together to advance their common legislative interests. Since its election in 1995 the Parliament has functioned cohesively and productively to enact key legislation underpinning the foundations of civil society and economic reform.

As a unicameral legislature, the Georgian Parliament can offer a comparative model as the PLC develops it's own structure. The Georgian Parliament plays a critical role in law-making, has developed an effective committee system and actively conducts oversight of the executive. We hope that you will gain insight from the Georgian legislature's efforts to improve the organization of plenary sessions, define the role of committees and enhance legislative-executive relations.

The Georgian Parliament has also come to understand the importance of public outreach

activities. In a country where harsh economic conditions and civil strife have produced tremendous political apathy, the Parliament has sought to make itself visible and accessible to the public. The Parliament has created its own Press Office, which publishes the parliamentary record and also maintains an archive of earlier proceedings. In addition, a new Office of Public Relations has sought to increase public awareness of Parliament through tours and other activities.

Further political party development will also help the Georgian Parliament to become a more representative body. At present the Parliament is dominated by President Shevardnadze's Citizens Union of Georgia (CUG) party. This is largely due to the popularity of the party's leader, but also reflects the fact that the CUG is better organized than the other Georgian political groupings. Individual parliamentarians and political parties alike seem to recognize the need to broaden their base of support, particularly at the local and grassroots levels.

It is our hope that this study mission to the Republic of Georgia will provide you with ideas as you continue to build Palestinian institutions. Providing a model of both the problems faced by a transitional democracy and the potential solutions to those problems, we believe that Georgia is a useful country to study.

B. Background on Georgia

The Georgian Parliament is a unicameral body and is the legislative authority in the country. It is viewed as one of the most successful examples of a democratic legislature in the former Soviet Union and has grown into a very active body, particularly in its roles as lawmaker and overseer of the government. The Parliament consists of 235 members, who are elected to serve a four year term of office. The Speaker of Parliament is elected by his peers. The current Speaker is Zurag Zhvania, Secretary General of the Citizens Union of Georgia (CUG).

The Georgian constitution of 1995 provides for a strong executive. President Eduard Shevardnadze is both head of state and chief executive, as well as commander in chief of the Georgian armed forces. He is assisted by cabinet ministers, who he appoints subject to parliamentary approval. Mr. Shevardnadze also heads the largest party in parliament, the CUG.

The Georgian electoral system is a hybrid, with 150 out of 235 seats allotted by proportional representation on the basis of a party list vote, and the remaining 85 seats contested by majoritarian voting in single-member constituencies. The most recent legislative elections were held in November 1995, and resulted in a combined total of 112 seats for the CUG. Two other pro-Shevardnadze parties, the All Georgian Union for Revival and the Socialist Party, won 32 and 4 seats respectively, thus guaranteeing the government a comfortable parliamentary majority. The largest opposition party, the National Democratic Party, took second place in the party list voting, but nevertheless only ended up with 35 parliamentary seats.

The Georgian President is directly elected by universal suffrage, with the age of majority fixed at 18. In the November 1995 presidential election, Mr. Shevardnadze won a landslide

victory over his five opponents, garnering almost 75% of the vote.

Much of the current political debate, both in the media and in the Parliament, is focused on Georgia's relations with the breakaway Abkhazian Republic. Opposition parties have criticized the government's handling of the Abkhazia conflict, claiming that President Shevardnadze should take a firmer stance with respect to the reassertion of Georgian authority in the province. They are particularly concerned about the return of approximately 250,000 ethnic-Georgian refugees who fled the region during the worst hostilities in 1993. The relationship between Georgia and its large neighbor to the north have also been subject to intense debate. Leaders of the opposition have accused President Shevardnadze of being too pro-Russian. They believe that his rapprochement with Moscow in 1994 has led to Russian interference in Georgia's sovereignty, particularly with respect to the use of military bases on Georgian soil. Some commentators have gone so far as to accuse Russia of fomenting the Abkhazia conflict in order to further its own political ends.

C. NDI Activities in Georgia

NDI has been active in Georgia since 1992, when the Institute fielded an international delegation to observe the republic's first multi-party national parliamentary elections. NDI opened a small office in Tbilisi in 1994 and has since created programs designed to promote and develop accountable, effective and participatory institutions in the Republic of Georgia.

NDI has worked extensively with Georgia's leading political parties on the premise that parties are guarantors of pluralism in a democratic system. Before the 1995 parliamentary elections, NDI assisted political parties in addressing campaign-related tasks including message development, media strategy, and voter outreach and education. Since the elections, assistance has sought to help parties consolidate their relationships with members and voters and participate effectively in the legislative process.

Since 1995 NDI has developed programs to help the Parliament establish itself as a professional and independent legislative body. Seminars have contributed international experience to debates of draft laws and fostered consensus among parliamentarians on general principles relating to new legislation. Consultations have sought to strengthen the authority of committees and the role of parliamentary factions in the legislative process. Activities have also reached beyond Parliament's legislative functions to raise the institution's profile and increase its accessibility to the public.

NDI's activity in the civic sector dates back to the November 1995 elections when it helped to establish the International Society for Fair Elections (ISFE), a local monitoring organization with a mandate to monitor the process. ISFE succeeded in mobilizing nearly 1,300 nonpartisan observers to monitor close to 1,000 polling places across the nation on election day. NDI continues to provide guidance to ISFE as it expands its mandate beyond election-related work to address the continuing challenges of citizen education and legislative monitoring and advocacy.

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MEMORANDUM

TO: Georgian Presenters

FROM: Myrna Phillips, Director of NDI's Program with the Palestinian Legislative Council
Laura Abrahams, Program Assistant, PLC Program

DATE: October 31, 1997

RE: Terms of Reference for Study Mission of Palestinian Legislative Council Members to the Republic of Georgia

---

I. INTRODUCTION

Thank you for agreeing to assist NDI on its study mission to the Georgian Parliament. We have invited six members of the Palestinian Legislative Council (PLC, or Council) for this mission, and they will be accompanied by three members of the NDI staff. This memorandum describes the purpose and format of our program, and suggests some ways to focus your participation.

The Palestinian Legislative Council was elected on January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self Governing Authority in accordance with the Declaration of Principles (signed September 13, 1993), and the Interim Agreement ("Oslo II", signed September 25, 1995).

The Palestinian Legislative Council has been meeting regularly since its inaugural session on March 7, 1996. Although the Council has made progress in the first year and a half of its existence, it continues to struggle to define and assert its authority, and to develop the capacity that will allow it to have a significant impact on the legislative process, a role in overseeing the activities of the executive, and a positive image with the public.

II. PROGRAM OBJECTIVES

The objectives of the program are:

1) To enable members of the Palestinian Legislative Council to observe the proceedings and deliberations of the Georgian Parliament;

2) To reinforce concepts raised in previous NDI workshops, relating to the role of committees, plenary proceedings and legislative-executive relations, constituent relations; and,

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3) To enable PLC members to gain insight and receive advice on this process of democratic transition from fellow parliamentarians who have successfully made this transition.

III. PROGRAM BACKGROUND

Since October 1996, the National Democratic Institute (NDI) has been working to support the development of the Palestinian Legislative Council under a 16-month cooperative agreement from the United States Agency for International Development. NDI's program is premised on the importance of providing comparative examples of parliamentary experiences, and is focused on enhancing the legislature's capacity to legislate in an effective and transparent manner; to play a role in oversight of the executive branch and represent the electorate. Areas for workshops, consultations and study missions to foreign legislatures include: plenary organization, the role of committees, constituent relations, and legislative-executive relations.

The objective of this study mission to the Georgian Parliament is to reinforce and enhance these workshop topics; namely, in the areas of **committee work, plenary proceedings, legislative-executive relations and constituent relations.** We hope that through various meetings and consultations with members of the Georgian Parliament and their staff, as well as with journalists and NGOs, we can encourage a constructive dialogue about the Georgian democratic transition. In particular, we would like you to discuss strategies you used towards the resolution of problems or challenges you faced in these areas.

Listed below is specific information about the PLC in areas in which NDI has held workshops over the past five months. For these workshops, international political practitioners from South Africa, The Republic of Georgia, Canada, Australia, Nepal, Sweden, Ireland, and the United States were invited by NDI to participate and share their experiences with PLC members and make constructive suggestions in specific areas of legislative development. It is in these areas in particular, where we would like the study mission to the Georgian Parliament to focus, in order to reinforce some of the themes and recommendations generated from the workshops.

Plenary Procedures

While the Council adopted its own Standing Orders in the early months of its existence, it is clear that there is need for better organization and efficiency in the plenary session, as well as greater adherence to the Standing Orders. No clear method of organization of the plenary debate exists, which seems to be partly due to a lack of understanding of and adherence to the Standing Orders, as well as a lack of clarity of the rules themselves. There is no specified limit on the time spent on a certain issue or on the length of time a Member speaks, and it is clear that Members are not treated equally in the debate. The Speaker does not always chair deliberations in a fair manner -- some Members are always allowed to speak, while others are ignored. Points of order are often ignored as well, and are rarely given precedence.

The process for setting the legislative agenda of the Council is unclear. The Speaker generally indicates -- either during a Council session or at its conclusion -- the issues that will be included in the agenda for the next meeting. Members do not always receive the agenda at least two days before the session, as stipulated by the Standing Orders. Usually, Members receive the agenda the same day as the plenary session, with no time to prepare themselves or propose amendments to the agenda.

In NDI's workshop on plenary procedures held in March 1997 for PLC members, the international participants to focus on the following areas: the role of process and precedent in a legislature; the importance, both political and strategic, of legislators knowing the rules; and the importance of a legislature in a new democracy being a model for the rule of law. They stressed the importance of how knowledge of the rules establishes and protects the legislature as an institution, and how this is particularly important during the development of a new legislature. The presentations and discussions also focused on more specific issues, including: planning ahead, how agendas are set and amended, making decisions, particularly in terms of how bills are introduced and passed through the legislature, the importance of bill summaries, and voting procedures. Finally, they emphasized the importance of recording history. To date, the PLC does not record and publish their proceedings -- there are debate summaries only, and are solely for internal Council use. We want to impart to the PLC members the importance of recording proceedings, both from a historical standpoint, as well as with respect to transparency and the accountability of elected officials.

Committees

Committees do play an important role in the PLC, but could be used to enhance and encourage public participation in the policy process, especially in conducting oversight of the executive. To date, no committee has held a public hearing. Also, capacity still needs to be developed in several areas in order to enhance the role of the committees of the PLC. In terms of draft legislation, for example, committees play a limited role, as line by line consideration of draft laws occurs in the plenary. Instead of focusing on the analysis of draft legislation, many committees spend a majority of their time handling constituent concerns, and many Members are frustrated with the inability to answer and respond effectively to these concerns. As many of the constituent offices are not adequately equipped to register and respond to these complaints, members often use committee meetings to address these issues. Since committees generally meet for two hour sessions twice a week, their time is already constrained.

At the NDI workshop on the role of committees held in December 1996, we asked the international participants to stress the role of committees in several areas of the legislative process, including: how committees obtain information about and analyze draft legislation, how committees work with the executive to develop legislation, how outside expertise is utilized in the drafting of legislation, and the role of the committees in the plenary debate. In terms of the role of committees in executive oversight, discussions between the international participants and PLC Members focused on the importance of committees developing relationships with relevant

executive ministries, the respective roles of the legislative and executive branches in developing and passing legislation, and the rights of the legislature to inquire into the operations of government ministries; as well as how committees can monitor and measure the impact of legislation. Finally, regarding how to encourage public participation in the policy making process, we stressed the purpose, scope and content of a public hearing and how it is organized, the role of the media, the role of legislators during a hearing, as well as how committees can work effectively with NGOs, experts and the media.

Legislative-Executive Relations

Because of the absence of a Basic Law (Interim Constitution), and the vagueness of how these relations are outlined in the Interim Agreement, relations between the PLC and the executive can be characterized as being unclear and often contentious. In the absence of a Basic Law, many aspects of legislative-executive relations remain to be determined. Nonetheless, Council members see themselves as part of an independent legislature that is separate from and has the authority to oversee, the executive branch.

The PLC has recently implemented a bi-weekly question period, but there is still work to be done in refining this procedure. The Council lacks a legislative requirement for ministers to submit reports. This, along with question period, is an institutional mechanism, existent in other legislatures, which gives the legislature a mandate to officially question ministers by requiring that accurate information be provided by the executive, thus reinforcing the oversight function of the legislature. In practice, the main area of legislative-executive interaction is with respect to draft laws; to date, all legislation considered by the Council has come from the Executive.

To date, no committee of the Council or individual members have held public hearings, another potential/common mechanism for interaction between the legislative, executive branches and the citizens.

In the NDI workshop on Legislative-Executive relations held in May 1997, we focused on the nature of the power-sharing relationship between the two branches of government, characterized by both conflict and cooperation, as well as structural mechanisms used in legislatures to manage this relationship. In particular, we focused on the interaction between the legislature and executive in terms of law making, and what information sharing needs to occur in this process, as well as what resources Members require to draft laws. We also discussed question period -- nonexistent in practice -- but provided in the Standing Orders of the PLC, as something that exists in many parliamentary systems. This would allow for Council members to ask questions of the executive (a form of oversight), but also could foster stronger relations between the two branches of government, particularly in terms of information sharing. Finally, we discussed the budget and oversight process; namely, how a budget is developed and government expenditures are monitored, and the respective requirements of and resources needed from the executive in this process to assure that this exercise is meaningful.

Constituent Relations

The West Bank and Gaza is divided into sixteen electoral districts, and Council seats are allocated based on 1995 population figures. While some districts have only one member, Gaza City, for example, has twelve members. Within these larger districts, there are no divisions of area, so every member is elected by and technically responsible for the entire district. This poses a significant challenge for effective communication between legislators and the electorate for ensuring that all constituents' complaints are answered in an organized and coordinated fashion.

In addition, there are stark differences between the districts in terms of the development of offices, resources, and staff capacity. To date, not all of the districts have opened PLC official constituency offices, and even where these exist they are not often used by all of the members, due to political and personal differences. In most districts, there are members from varied political affiliations, which makes the feasibility of a shared office virtually impossible. In some cases, members have opened offices with their own resources, but not every member can afford to do this.

NDI conducted a workshop in October on the topic of "Constituent Relations: A Two-Way Street," which focused on strategies and methods members can employ, with limited resources, to enhance their relations with constituents. International parliamentarians shared with PLC members some of the formal (e.g. open office hours, town hall meetings, newsletters), as well as informal (e.g. attending social gatherings, making home visits) mechanisms used in other parliaments to strengthen the relationship between a member and his or her constituency. The international guests also discussed with members their work in terms of managing casework and policy development from casework, as well as the challenges associated with servicing from a distance and working in an area with vast socio-economic discrepancies (as is the case in the West Bank and Gaza).

IV. BACKGROUND

A. Palestinian Legislative Council: A Brief Background

1. *Limitations in Jurisdiction*

The Palestinian Legislative Council faces unique challenges and is of enormous potential importance to the prospects for democracy in the West Bank and Gaza. Some of the unique circumstances include:

- the basis for the PLC is an agreement between the Israeli government and the Palestinian Liberation Organization (PLO);
- the Council does not represent a nation state and is a legislature of limited jurisdiction;
- this is the first ever elected body to represent Palestinians living in the West Bank,

Gaza and East Jerusalem;

- and, Israel has a significant degree of control over the lives of the electorate represented by the Council.

For more information, see NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*, enclosed.

The Council faces a number of challenges. Many relate directly to the unusual limitations the Council faces that make it difficult for the institution to evolve into a fully functioning legislative body. The fact that the Council has no antecedent that it is reforming, but rather it is building itself from scratch is noteworthy. Moreover, the Palestinian Authority, in place two years before Arafat and the PLC were elected, is unaccustomed to power sharing. The Council also works in an environment in which its jurisdiction is limited. It is powerless to adopt laws in several areas of importance to its constituents -- Israeli government closures of the West Bank and Gaza Strip, expansion of Israeli settlements, and final status negotiations. Public expectations that their representatives would address these issues were raised by campaigns prior to the January 1996 elections which heavily relied on promises of Palestinian statehood with Jerusalem as the capital, despite the fact that these areas of interest do not fall under PLC jurisdiction.

These limitations are a critical aspect to constituency relations, as many of the complaints that members receive are in areas which are out of the Council's jurisdiction. This means that Members can neither solve many individual or local problems nor draft legislation based on any group complaints.

2. *Public Perception*

Public exasperation with the PLC has been heightened by a lack of understanding of the legislative process, as well as a dearth of information about the PLC in the press. In the absence of a clear legislative process and in the absence of an Executive willing to share power or work cooperatively with the legislature, PLC members have relied on passing resolutions to make their political will known to the public and their constituents. Over the last year, members have passed dozens of resolutions calling for a solution of the settlement crisis and the Hebron issue, and on the progress on the final status negotiations. They have also passed resolutions on issues within their mandate. For example, the Council has adopted resolutions urging the executive to stop monopolizing the gravel trade and to release political prisoners held without charge. Many Council members seem still confused about the difference between passing resolutions and adopting legislation; while they craft resolutions instructing or urging the executive to take certain actions, the Council has yet to draft and adopt legislation requiring that the executive act. Council members themselves have expressed frustration that the Executive Authority has not acted upon its resolutions, but their own confusion may well have heightened the public's sense of the Council's impotence. A June 1997 Center for Palestine Research Studies poll, for example, showed that Palestinians viewed the performance of the PLC with less favor than the Palestinian Authority and the Palestinian security forces.

3. *Party Structure*

Another unusual aspect of the Council is that it lacks organized party structures and partisan divisions. Approximately 70 percent of the 88 Council members are affiliated with Arafat's Fateh movement; others are either independent or part of a small group of Islamists. In Council proceedings, however, affiliations are usually muted. The Council has no formal or informal internal political structures such as party caucuses. In some respect this development helps the Council to take a unified stance in support of the institution's independence. At the same time, the lack of party structures has significantly impaired the Council's internal organization and efficiency. When deliberations were conducted over the Basic Law last summer, for example, they involved dozens of points of view rather than two or three or six organized points of view. In the absence of party structures, the Council plenary serves as both a forum for formal deliberation and as a place for the more exploratory discussions that would occur in party/caucus meetings in other legislatures. A lack of clarity and focus results in inefficient and unproductive Council deliberations.

4. *Conclusion*

At the same time, the Council also has several strengths. First, most of the members appear to be committed to making the Council an independent legislative body that has a substantial role in determining government laws and policy. Second, Council members recognize the importance of the fact that they are elected. Many have commented that their election provides them with a new form of political power -- verified popular support -- which they can invoke in support of their efforts to oversee the Executive, and in support of their efforts to build a strong institution. Third, the Council has not succumbed to being a rubber stamp for the executive. While it may not yet be optimally organized and strategic, the Council has spoken out against the government's abuses (monopoly practices, human rights abuses, etc.,) and it has debated and adopted laws. The Council reviewed and passed a variety of draft legislation, though this is waiting with the executive to be signed. In addition to passing the Local Elections Law, the Council passed the third reading of the Local Government Law, the second readings of the Budget, Civil Service and Basic Laws, as well as the first readings of the Monetary Authority and Petroleum Commissions Laws.

Perhaps the greatest challenge is the overarching one of establishing the legitimacy of the legislature itself as a partner in governance. The Palestinian Authority, and its head, Chief Executive Arafat, are not accustomed to scrutiny, criticism or shared decision-making. Arafat is a member of the Council and has consistently challenged the Council's authority, autonomy and prerogative. One hour into the Council's first deliberative session, Arafat stormed out of the meeting because the members declined to pledge their oath of office to him personally. Arafat's attitude toward the Council has not changed significantly from that opening moment. He has repeatedly ignored requests from the Council for the cooperation and declined to provide information that the Council needs to complete its work. This problem has been particularly acute in relation to the Council's ability to set its agenda. The Council's two major goals for the session

-- confirmation of the cabinet and approval of the Basic Law -- could not be scheduled because both depended in some part on cooperation from Arafat. As a result, no constitutional framework clarifying, even in law, the process of law-making is yet in place.

B. Review of Council Proceedings

The 89-member Palestinian Legislative Council (88 members and Arafat) met for the first time on March 7, 1996. At the inaugural session, the Speaker and other leaders of the Council (two deputy Chairs and a Secretary General) were elected and a temporary Legal Committee appointed. On March 21, the Legal Committee presented Council members with a substantially revised set of Standing Orders, which were adopted after a long and, at times, acrimonious, 14-hour meeting. (See NDI's May 1996 report, *The First Months of the Palestinian Legislative Council*).

Subsequently, on April 4, the Council voted to accept the list of the members of the Council's eleven committees. In accordance with the Standing Orders, members requested their committee assignments (a maximum of three) and the Speaker, after negotiations, presented the lists for Council approval.

The Council has been meeting regularly, except for a summer recess in August, on Wednesdays and Thursdays of each week. Their meetings alternate between Ramallah (West Bank) and Gaza City, although, since the summer, most of the meetings have been in Ramallah. The Council committees generally meet on Mondays and Tuesdays.

The Council's first task, after adopting its Standing Orders and establishing its committees was to adopt a Basic Law, or constitution, for the Interim Period, *i.e.* until final status negotiations are completed (scheduled for 1999). The Legal Committee of the Palestinian National Council (PNC), which is the PLO's legislative arm, had published the Fourth Draft in January, 1996. Before adjourning for the summer recess in August, the PLC adopted a revised version of the Basic Law. (NDI organized a workshop for Council members on the Basic Law in May, 1996).

The Council had taken up a draft presented by its Legal Committee, debated the draft article by article, submitted it to a special ad hoc (Speaker approved) "rewording committee" and subsequently adopted that committee's draft. The Council called this process the "first reading" and sent its revised version of the Basic Law to the Palestinian Authority for comment. In discussions with members of the rewording committee about the process, NDI found that the committee members (as well as other colleagues) were not troubled by this process; they found it acceptable that a committee rewrote the Basic Law based on comments made in plenary session. The Council agreed to entertain the executive's comments on the Basic Law; Arafat, however, is apparently not committed to enactment of a constitution to date. Given this inaction, the Council decided to begin the second reading of the Basic Law, which was passed in July 1997, even though the Executive never approved the first reading.

A similar frustration with executive inaction occurred with the process of the budget. Specifically, while the Standing Orders stipulate that the budget should be submitted at least four months before the beginning of the year (*i.e.* October), the Budget Committee of the PLC did not receive the 1997 budget until March 1997. The executive did not put forth a clear reason for the budgetary impasse, only adding to legislative-executive tensions. This flawed process represented a serious point of contention between the PLC and the executive, to the point that there were several calls from Members to have a non confidence vote in the Finance Minister. In the end, a vote was not taken, as the budget was eventually submitted. Nevertheless, it is clear that this process highlights the main frustrations and tensions between the two branches.

Lately, it appears that the Council has become more effective in the areas of enhancing government accountability and oversight of the executive. After the presentation of the General Comptroller's report of corruption in the PA at the end of May, the Council formed an ad-hoc special committee to investigate the report's findings and produce a report of their investigation to the PLC. There are eight members on this committee; four from the Budget Committee and four from the Oversight Committee. They conducted a 50-day investigation, after which they produced a 60-page report to the PLC. The report examined all of the government ministries, though not other institutions of the PA [to the dismay of many ministers and members alike], and concluded that all but three ministries [Justice, Higher Education, Agriculture] are rife with administrative flaws and corruption. The report called for further investigations of several ministers, including Jamil Tarifi [Civil Affairs], Nabil Shaath [International Planning and Cooperation] and Yasser Abed Rabbo [Culture]. The report concluded with a recommendation that Arafat disband his entire cabinet and replace current ministers with "technocrats and experts." To this end, the Committee suggested that the Council take a vote of no-confidence in Arafat's entire cabinet.

What was significant about the report was the precedents it set for enhanced legislative-executive relations and government accountability. While many ministers did not agree with the content of the report, there was an overall recognition on their part that this was setting a key precedent for government accountability. Moreover, the seriousness with which the ministers responded to the report symbolized that greater information-sharing between the legislature and the executive, something critical to any democratic system, will likely be enhanced in the future.

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DRAFT AGENDA

PLC Study Mission to the Hungarian National Assembly

June 15 to 20, 1997

Saturday, June 14

pm	Arrivals at 9:30pm

Sunday, June 15

Morning	Free
3:00pm - 3:30pm	NDI Briefing: Program Overview and Logistics
3:30pm - 5:00pm	Hungarian Transition: Overview and Public Opinion Roundtable: **Tibor Vidos**, Journalist and Consultant* **Endre Hann**, Pollster
5:00pm - 5:15pm	coffee break
5:15pm - 6:45pm	Overview of National Assembly and its Workings Question and Answer Session Guest: **Peter Hack**, SZDSZ, Chairman of Constitutional and Judicial Affairs Committee*
7:00pm -	Depart for Group Dinner (perhaps with Peter and other briefers?)

Monday, June 16

8:45am - 9:30am	Breakfast
9:30am - 10:30am	Tour of the Parliament
11:00am - 12:00pm	Observation of Party Fraction Meeting (MDF, HDPP or FIDESZ if possible) *PURPOSE: see members working as a team, deciding on legislative agendas, setting priorities and working out strategies* (Is it possible to allow PLC members to observe both an opposition and government party fraction meeting?) PLC team meets Fraction members (all PLC members attend one fraction meeting or split up so less obtrusive -- opposition versus government)

*Denotes Confirmation of Participant

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12:00pm - 1: 00pm	SZDSZ Party Fraction Meeting Location:
1:00 pm - 2:00pm	Lunch Location:
2:30pm - 3:30pm	Meeting with the Speaker of the National Assembly *PURPOSE:discuss role of Speaker in setting agenda, plenary organization, coordinating with the Executive, parliamentary staff management, production and distribution of plenary session minutes* Location:
3:30pm - 4:30pm	Observation of Plenary Session: Big Policy Debates *PURPOSE: introduction of plenary, overview of how debate is managed and role of Speaker* (3pm to 9pm plenary, first two hours interesting political debates)
4:45pm - 6:00pm	Meeting with an Opposition Leader **Ivan Szabo**, HDPP *PURPOSE: discuss role of opposition in the National Assembly, opportunities for and challenges to opposition voice being heard, obstacles faced in the transition to democracy* Location:
6:15pm	Return to hotel
6:45pm	Dinner on Own

Tuesday, June 17

8:00am - 9:00am	Breakfast -- Review of Day's Agenda
10:30am - 11:30am	Meeting with **Jozsef Szajer*** *PURPOSE: Discuss the evolution of FIDESZ and its role as an opposition party in parliament* Location: FIDESZ Parliamentary Office

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11:45am - 12: 45pm	Meeting with Clerk's office *PURPOSE: obtain a briefing on how agenda is produced administratively, how votes are recorded and how plenary minutes are produced and distributed.* Location:
1:00pm - 2:00pm	Lunch Location:
2:15pm - 3:15pm	Plenary Observation: Question Period (1pm to 5pm: question and interpellation period) **Laszlo Rajk** will attend if available
3:30pm - 4:30pm	Discussion of Question Period and Preparation for Voting Observation Moderator: **Laszlo Rajk** Location: (serve coffee)
5:00pm - 5:45pm	Plenary Observation: The Voting Process (5pm - 8pm plenary voting time)
5:50pm - 6:10pm	Transit from National Assembly to Hotel (discuss observations in van)
6:15pm - 7:30pm	Roundtable: Role of Press *PURPOSE: learn about press freedoms, journalist analysis of political transition, how cover the National Assembly* Moderators: **Tibor Krecz*, Andrew Bogtar and Mr. Desiganos** Location: Astoria Hotel meeting room or Parliament room (Refershments served)
8:00pm	Dinner on Own

Wednesday, June 18

8:00am - 8:45am	Breakfast -- Review of Day's Agenda
9:00am - 10:30am	Meeting with a Minister with Q&A *PURPOSE: discussion of executive's responsibility to members of parliament -- MPs right to oversee work of Ministers and Ministers obligations to discuss with, report to and include Mps in policy, financial and/or planning decisions*

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11:00am - 12:15pm	Meeting with Prime Minister and Staff *PURPOSE: discuss his views on division of responsibilities between the Executive and Legislature, obstacles faced in transition to democratic governance*
12:30pm - 1:30pm	Lunch
1:45pm - 3:00pm	Observation of Committee #1 *PURPOSE: observe procedure for setting/distributing/following the agenda, how minutes are taken/distributed/published, how chairperson conducts meeting for example are motions used to make decisions? Does the chairperson participate in the debate?*
3:00pm - 3:20pm	coffee break (in hotel meeting room)
3:30pm - 5:00pm	Observation of Committee #2 OR Observation of Public Hearing *PURPOSE: another example of above or opportunity to observe how hearings are organized, who testifies/speaks, public participation etc.*
5:15pm - 6:30pm	Discussion/Q&A of Committee Observation: led by Hungarian -- MP and/or NGO type (coffee served) Moderators: **Zoltan Sekete and/or Dr. Bolash Polski** ????
7:30pm -	Group Dinner

Thursday, June 19

8:15am - 9:00am	Breakfast -- Review of Day's Agenda
9:30am - 11:00am	Meeting with Political Scientist and Political Trainer **Dr. Istvan Stumpf** Location:
11:30am - 1:30pm	Meeting with Leader of an Active NGO *PURPOSE: discussion of how this NGO lobbies the National Assembly, submits policy proposals to the government and drafts laws for the government also a discussion of how the NGO leader perceives the transition to democracy, his/her perceptions of government reaction to NGO views, NGO freedom in general*

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afternoon	Free time/TBA/Report writing
6:00pm - 7:30pm	Mission Debriefing in Hotel Meeting room
8:00pm	Dinner on Own

Friday, June 20

8:30am - 9:30am	Breakfast -- Review of Day's Agenda
10:00am - 11:30am	Tour of Budapest Constituency Office and meet staff/volutneers (set aside time for simple observation of operations and debrief with relevant MP or office director) *Purpose: discuss/observe constituency outreach/servicing in an urban setting*
11:30am - 12:45am	Travel to rural Constituency
1:00pm - 2:00pm	Lunch
2:15am - 4:00pm	Tour of Constituency Office and Meeting with Office Staff/Volunteers (Some time set aside for simple observation of operations/debrief with MP)
4:15pm - 5:15pm	Meeting with Local Citizen's group or with local branch of Active NGO (the one met with day before) *PURPOSE: discuss local efforts to lobby MP and perceptions of MP servicing of constituent needs at national level*
5:30 - 6:30	Free Time
6:30pm - 7:30pm	Travel back to Budapest
8:00pm	Group Dinner

Saturday, June 21

Morning	Departures

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Agenda for PLC Visit to the Georgian Parliament

Monday, November 24

5:00	PLC Members arrive. Greeted at airport by a member of the Parliamentary Protocol office and Laura Abrahams (NDI)
6:00	Check-in Villa Berica Hotel (Tel: 995-32-93-35-62, 995-32-30-40-38) Rest
14:00	Lunch at hotel
15:00	Briefing with NDI Staff on the week's activities with resident staff from NDI-Tbilisi Location: Villa Berica Hotel
18:00	Tour of Tbilisi
20:00	Dinner at Le Cabernet Restaurant

Tuesday, November 25

9:00	Breakfast at the hotel--review of the day's agenda
9:30	Depart for the Georgian Parliament
10:00	Meeting with Ms. Nana Chkoidze, Chief of Protocol Office Mr. Merab Cotsiridze, Chief of Information Department
11:00	Meeting with various NGO Representatives: Ms. Lia Mukhashavria, Georgian Young Lawyer's Association Others, TBA PURPOSE: *To discuss the role of outside groups, NGOs, vis-a vis the Parliament and the legislative process.*
12:00	Meeting with Rostom Dolidze, Chairman of the Procedural Issues Committee PURPOSE: *To discuss procedures in the Georgian Parliament, the work of a committee chairman.*
13:30	Lunch at Nicala Restaurant
15:00	Meeting with Ms. Khatuna Gogorishvili, Secretary General of the Parliament PURPOSE: *To obtain a briefing on how the agenda is produced administratively,*

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how votes are recorded and how plenary minutes are produced and distributed.

16:00 Attend Plenary Session of the Parliament
PURPOSE: *To observe legislative debates and voting procedures*

16:30 Meeting with Mr. Kakha Chitala, Chairman of the Foreign Relations Committee
PURPOSE: *To discuss the function of parliamentary committees, role of the chairman.*

19:30 Meeting with Mr. Mamuka Giorgadze, Chairman of the People's (National Democrat) faction -- Opposition Party
PURPOSE: *To discuss the role of an opposition party, strategies for effective coalition-building with other Members of Parliament.*

Meeting with Mr. Giorgi Baramidze, Chairman of the Citizen's Union faction -- Government Party
PURPOSE: *To discuss the evolution of the efficient parliamentary procedures, the role of the Anti-Corruption Committee in the Parliament, of which he is the chair.*

21:00 Depart for hotel

21:30 Dinner at hotel

Wednesday, November 26

8:30 Breakfast at hotel--briefing on the day's agenda

9:45 Depart for Parliament

10:30 Meeting with Mr. Vitali Khazaradze, Deputy Chairman of the Committee on Constitutional and Legal Affairs
PURPOSE: *To discuss the role of the Legal Committee, and the process and challenges of legal reform in Georgia.*

11:30 Tour of Parliamentary Library with Mr. Gigi Tevzadze, Chief of the Parliamentary Research Service

13:00 Lunch at the Parliament hosted by Mr. Zaza Kandelaki, Chairman of the Coordinating Council of Permanent Delegations

15:30 Meeting with Ms. Roza Lordkipanidze, Chairman of the Rural Committee
PURPOSE: *discuss strategies on how to hold and conduct effective public*

hearings.

17:00 Depart for Hotel

19:00 Dinner at the Golden Fleece Restaurant

Thursday, November 27

8:30 Breakfast at the hotel--briefing on the day's agenda

10:00 Depart for Parliament

10:30 Attend plenary session of the Parliament
(Legislative Debates)

12:00 Meeting with MP Irakily Batiashvili, Mayoritarian from Vake District
PURPOSE: *To discuss strategies and methods used to develop effective constituent relations*

14:00 Lunch with Mr. Alecs Rondeli, Professor of Foreign Relations at Tbilisi State University and Mr. Vakhtang Khmaladze, Constitutionalist
PURPOSE: *To discuss the overall political and economic transition of the Republic of Georgia with foremost analysts on the subject*
Location: Villa Berica Hotel

16:00 Depart for the Ministry of Food and Agriculture

16:30 Meeting with Mr. Bakur Gulua, Minister of Food and Agriculture
PURPOSE: *To gain insight, from the executive point of view, of legislative-executive relations, and to discuss the executive's responsibility to members of parliament -- MP's right to oversee the work of ministers, and ministers' obligations to discuss with and report to, and include MPs in policy, financial, and/or planning decisions.*

17:30 Meeting with Mr. Khetsuraini, President Shevernadze's Representative in the Parliament
PURPOSE: *To discuss the relationship between the legislature and the executive, from the point of view of someone working closely in the executive branch, while interacting with the legislature on a daily basis.*

19:00 Depart for Dinner at the Villa Berica Hotel

Friday, November 28

9:00	Breakfast at the hotel--review of the day's agenda
10:00	Depart for the Parliament
11:00	Meeting with Ms. Lana Gogoberidze, House Majority Leader PURPOSE: *To share recent developments of the PLC, including the creation of the Council Affairs Committee, and to discuss parallels with the Georgian Parliament.*
13:00	Lunch with journalists PURPOSE: *To learn about press freedoms, discuss journalists' analysis of the Georgian political transition, how the proceedings of the Parliament are recorded in the press.* Location: Budwiser Restaurant
16:15	Depart for Parliament
16:45	Attend session of the Parliament: Question Period
19:00	Meeting with Mr. Zurab Zhvania, Speaker of the Georgian Parliament
20:00	Depart for Bread House
20:15	Dinner hosted by Ms. Lana Gogoberidze and Mr. Kakha Chitaia

Saturday, November 29

9:00	Breakfast at the hotel
9:45	Depart for Rustavi, a district near Tbilisi
10:30	Meeting with Deputy Mayor of Rustavi
1:00	Free afternoon
18:30	Depart for the Youth Palace
19:15	Concert at the Youth Palace
21:00	Dinner in Old Tbilisi -- Miraj Bar

Sunday, November 30

9:00	Breakfast Debrief and Evaluation of the week's activities
11:30	Depart for the Opera House
12:00	Attend the ballet, "Gaiane."
15:00	Depart for Mtskheta, a historical town near Tbilisi
15:30	Sightseeing in Mtskheta
18:00	Checkout from hotel
18:30	Depart for Airport

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Biographies of Palestinian Legislative Council Members Who Participated in NDI's Study Mission to the Hungarian National Assembly

Azmi Shu'abi

Azmi Shu'abi, from Ramallah, is a very active and outspoken Member of the Palestinian Legislative Council. He is a Member of the Liaison Committee, as well as a Member of the Economics and Budget Committees. Formerly, Mr. Shu'aibi, trained as a dentist, was the Minister of Youth and Sports. He is politically affiliated with the Palestinian National Democratic Union FIDA, where he sits on the board. Mr. Shu'abi was a former member of the Political Bureau of the Democratic Front for the Liberation of Palestine.

Husam Khader

Husam Khader, from Nablus, is one of the young, active Members of the Palestinian Legislative Council. He is a Member of the Human Rights and Oversight and the Refugee Committees. Mr. Khader is politically affiliated with Fateh, and is a Member of the Revolutionary Council of Fateh, as well as a Member of the Higher Committee of the Fateh Movement in the West Bank. Mr. Khader was imprisoned more than 20 times by the Israeli authorities, and was deported to Lebanon in 1987, to return to the West Bank in 1995.

Jamal Hindi

Jamal Hindi is a Jenin Member of the Palestinian Legislative Council, and is affiliated with Fateh. He is the Chairman of the Refugee Committee, as well as a Member of the Human Rights and Oversight Committee. He was formerly a member of the Interior Committee. Mr. Hindi is also a Member of the High Palestinian Refugee Affairs Commission. He is a President of the Youth Centers of the Refugee Camps in the West Bank. Mr. Hindi, who has a degree in Sociology, was shot and wounded by Israeli forces, and spent seven years in Israeli prisons. Mr. Hindi was deported for six years, and returned to the West Bank in 1994.

Jamal Shobaki

Jamal Shobaki is a Member of the Palestinian Legislative Council from Hebron. He is a member of the Political Committee of the PLC, as well as a member of the Higher Committee and the Revolutionary Council of Fatah. Mr. Shobaki was formerly a teacher, in Libya, and spent nine years in prison. From 1988-1994, Mr. Shobaki directed the Planning and Development Department of the University Graduates Union, and from 1994-95, he served as Director General of the Local Government Ministry.

Jamileh Saydem

Jamileh Saydem is a Member of the Palestinian Legislative Council from Deir Al-Balah, in the Gaza Strip, but is originally from Ramleh, now an Israeli city near Tel Aviv. She is a Member of the Refugee Committee, and was the Rapporteur of the Economics Committee in the first session

of the Council. Ms. Saydem is a Member of the Revolutionary Council of Fatah, as well as a Board member of the Palestinian Women General Union. Ms. Saydem is the widow of Mahmood Sabri Saydem, Member of the Central Committee of Fatah, who was martyred in 1971.

Kamal Shurafi

Kamal Shurafi is a Member of the Palestinian Legislative Council from Jabalia Refugee Camp in Gaza. He is the Chairman of the Human Rights and Oversight Committee, and a Member of the Political Committee. Mr. Shurafi, who is a surgeon trained in Bulgaria, formerly worked as a physician in the Jabalia Refugee Camp.

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Biographies Of The Palestinian Council Members Participating In NDI's Study Mission To The Georgian Parliament

Dr. Yousef Abu Safiyeh:

Dr. Abu Safiyeh is a Member of the Palestinian Legislative Council from North Gaza. He studied biology first in Bier Zeit University and then at the American University of Beirut. He received his Masters degree in 1975. He lectured at the Islamic University in Gaza from 1980 until 1983 prior to attending University of Texas, Houston where he completed his Ph.D. He then taught at Al Azhar University in Gaza for four years. He was the Director of the Environment Unit at the Gaza Health Council in 1995 and the President of the Science and Technology Faculty in Khan Younes - Gaza Strip before his election to the Palestinian Legislative Council. He is the chair of The Natural Resources Committee. Dr. Abu Safiyeh is also a member of the Council Affairs Committee.

Marwan Al Barghuthi:

Mr. Barghuthi, from Ramallah, is a political activist. He was detained by the Israeli authorities in 1978 for 6 years. Upon his release, he served as the head of the Students Council at Bier Zeit University for four consecutive periods from 1983 until 1987. He was deported to Jordan in 1987 and occupied several political positions while in exile in Tunisia. He was elected member to the Fateh Revolutionary Council in Tunisia and a is a Member of the Palestinian National Council. He is presently the Secretary General of the Fateh Higher Movement Committee. He returned to Palestine with the political exiles after the signing of Oslo Accords. He is a political consultant to the president. He was elected as a Fateh Member to the Palestinian Legislative Council in January 1996. Mr. He is currently completing his master's degree in International Relations from Bier Zeit University. He sits on three Committees of the Council; the Interior Committee, the Political Committee and the Education and Social Affairs Committee.

Mohammed Hourani:

Mr. Hourani is a Fateh Member of the Palestinian Legislative Council representing the constituency of Hebron. Hourani is a political activist and was arrested several times. He was first arrested in 1978 and spent five years in total in the Israeli prisons, three of which were as administrative detention. His public and political work was under Fateh umbrella. Mr. Hourani holds a BA in Psychology from Sofia University in Bulgaria. He is a Member of three Council Committees: the Political Committee, the Legal Committee and Land and Settlements Committee. Mr. Hourani is also a Member of the Fateh Revolutionary Council and a Member of the Fateh Higher Movement Committee.

Hasan Khraisheh:

Mr. Khraisheh is an independent Member of the Palestinian Legislative Council representing the constituency of Tulkarem. He was detained in Jordan in 1983 and then in Israel from 1983 until 1986 and again in 1988 until 1990. He participated in the revolution wars in Lebanon in 1976 and 1982. Mr. Khraisheh received his BA in Medicine from Pakistan and his Masters degree in Gynecology from Dublin, Ireland. Khraisheh is a Member of the Political Committee and the Education and Social Affairs one. He was also a member of the ad-hoc Committee which was established to investigate of the Auditor General.

Abdul Karim Abu Salah:

Mr. Abu Salah is a Member of the Palestinian Legislative Council from Khan Younes in Gaza Strip. He was elected as an independent although he is a member of Fateh. He is the chair of the legal committee and played a leading role in drafting the Standing Orders adopted by the Council as well as reviewing and analyzing the draft legislation received from the Executive. Mr. Abu Salah is a Lawyer by profession receiving his law degree from Cairo, Egypt. He worked as a teacher, lawyer and legal consultant.

Abdul Fattah Hamayel

Mr. Hamayel was a Member of the Asifeh "Storm" wing of Fateh when he was first detained on September 7, 1967 and sentenced to seven life terms and fifteen years. He stayed in prison until May 20, 1985 when he was released in the "Prisoner's exchange between PLO and Israel". During the Intifada, he was a key source of information on behalf of his Party to the people. He was arrested then for 21 days and when released he was sought by the Israeli Authorities from March 1988 until August 12, 1990. He was arrested on that date and sentenced to 4,5 years divided into two and a half years in prison and two outside. At the end of the prison term, he was deported to Jordan and returned on July 3, 1994 after the signing of Oslo agreement. Mr. Hamayel was elected to the PLC and is a member of the Budget Committee, Council Affairs Committee as well as being the Rapporteur of the Interior, Security and Local Government Committee. He is also a Member of Higher Movement Committee of Fateh in the West Bank. Prior to his election to the Council, he was the Secretary General of Fateh Movement in Ramallah City where he represents for the PLC.

Study Missions to Hungary and Georgia

National Democratic Institute for International Affairs Study Missions

Hungary, June, 1997- Georgia, November, 1997

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I. INTRODUCTION

The National Democratic Institute for International Affairs (NDI) has been working with the Palestinian Legislative Council (PLC, or Council) since its election in January 1996. NDI's current work with the Council is part of an eighteen-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed around a series of workshops led by international participants on different components of legislative development, including the role of committees, plenary procedures, legislative-executive relations and constituent relations. For these workshops, comparative materials are distributed in Arabic to Council members.

In addition to the workshop series, two study missions have been organized for select groups of PLC members to visit other transitional legislatures to see sessions first-hand, and to meet with fellow parliamentarians. To supplement activities, NDI disseminates legislative materials in Arabic, and provides on-going consultations with Council members, including responding to requests for information about legislative issues in comparative contexts.

NDI organized two study missions for PLC members; one to Hungary in June, 1997, and one to the Republic of Georgia in November, 1997. This document, written by PLC Project Director Myrna Phillips and Program Assistant Laura Abrahams, is a report of the objectives and results of the mission. It highlights the discussions held on the topics listed above of NDI's program with the Council.

II. EXECUTIVE SUMMARY

The objective of the study missions to Hungary and the Republic of Georgia was to reinforce areas in which NDI has been working with the Council throughout the duration of the project. Namely:

- The Role of Legislative Committees
- Plenary Procedures
- Legislative Executive Relations
- Constituent Relations

Meetings were organized to cover specific topics; that is, whenever possible, the Hungarian and Georgian representatives with whom the delegation met were asked to address a specific topic (e.g. committee chairmen discussing the role of committees in reviewing legislation, conducting public hearings). This enabled the delegations to engage in more focused, substantive discussions of parliamentary development. In addition, PLC members observed committee and party caucus meetings, as well as plenary sessions, including question period. This was

supplemented by meetings with external actors, including NGO representatives, journalists, and academics.

Both Georgia and Hungary represent examples of parliaments with strong committee systems. The committee mandates include: legislative review, oversight of the executive, and encouraging public participation in the policy-making process. Specifically, committees engage in the detailed review of legislation, regularly oversee the work of the respective ministries, and hold legislative hearings which the public is encouraged to attend.

In the area of plenary proceedings, Georgia and Hungary illustrate successful transitions to organized, efficient parliamentary sessions. This has been achieved through strict adherence to the plenary agendas and Standing Orders, as well as through highly organized political party caucuses. Particularly in the Georgian case, the Speaker's commitment to democratic reform has played a primary role in ensuring efficient plenary proceedings. Moreover, both parliaments have a well-trained, organized staff who provide sound administrative support to members.

While both Hungary and Georgia represent cases in which there is a strong executive, the respective parliaments have developed relations with the executive characterized by a high degree of transparency. Specifically, the parliaments have established structural mechanisms to enhance legislative-executive relations, including question period, committee oversight of ministries, and the use of legislative and oversight hearings.

The Hungarian parliament to date has developed a more structured system of constituent relations than their Georgian counterpart, as evidenced by the development of a district office network led by highly trained staff. Moreover, in Hungary, specific days of the week are devoted solely to constituent work. On the other hand, Georgian MPs have not yet developed such a system, due primarily to a lack of resources, so constituent relations are conducted more on an informal basis.

III. METHODOLOGY -- WHY STUDY MISSIONS?

Politicians come from all walks of life. They are shopkeepers, farmers, homemakers, teachers, lawyers, dentists, public servants and factory workers. Some have PhDs, others have barely completed high school. Their common bond is their determination to use the democratic process to implement their ideas of what government should provide by way of laws and programs or policies.

However, there are no manuals on "how to be a parliamentarian" on local library shelves, and universities do not offer practical "parliamentarian 101" courses in their political science faculties. Many newly elected members have no historical example to emulate as they try to take their countries through the transition from an authoritarian political regime to a democratic political institution. Also many members have no political experience from which to draw when confronted by constituents who legitimately demand that their problems be addressed. As one

new member of the Palestinian Legislative Council stated, "We can organize a demonstration in one afternoon but we don't know how to operate a parliament."

Members can develop the skills they require for this task in several ways: by trial and error; by discussing common concerns in consultations or workshops with seasoned parliamentarians; or by studying other parliaments and observing them in action.

Study missions are just one important tool in a package from which members can gather practical advice and ideas for adaptation to their particular legislature. This format gives members the opportunity to observe the formality of plenary and committee proceedings with all the professional administrative machinery in place to make the process work smoothly. Members find that many of their questions are answered in formal and informal meetings with their parliamentary peers and absorb much from the atmosphere of a "real" parliament.

Members in any parliament tend to become quite insular in thinking that their problems are unique. When members of a new or newly democratic legislature have the opportunity to see first hand that other parliamentarians have grappled with similar situations and have developed procedures to overcome these dilemmas, they return with a broader perspective, and a renewed commitment, to the work at hand.

IV. HUNGARY: June 14-21, 1997

A. Introduction

Six members of the Palestinian Legislative Council participated in the study mission to Hungary, June 14-21,1997. Dr. Azmi Shu'aby, Dr. Kamal Sharafi, Mrs. Jamileh Saydum, Mr. Husam Khader, Mr. Jamal Hindi and Mr. Jamal Shobaki were accompanied by NDI staff, Myrna Phillips, Bassam Nassar and Chrissy Mataya. Over the course of the six-day program, the group had 22 meetings to discuss plenary procedures; the role and organization of committees; constituency relations, including communications between Members and NOGS; and the relationship between the executive and legislative branches of government.

B. Political Context

The study mission began with an overview of past and present political developments by three prominent, Hungarian politicians and political analysts. Tibor Vidos, a consultant and former executive director of the SZDSZ political faction, Endre Hann, a pollster with Median Communications and Dr. Peter Hack, a member of the Hungarian National Assembly. Each expert presented his analysis of the political climate through the past decade and responded to questions from the Palestinian members. The following is a summary of the information they presented.

The Hungarian population's vivid memories of the Soviet Union's suppression in their

country following the 1956 uprising had a strong and lasting impact. Even until 1988, when then-Soviet President Gorbachev announced that, under *perestroika,* the Soviet Union would no longer influence Eastern European affairs, Hungarians remained distrustful and fearful. Yet, despite the collective memory of the violent suppression in 1956, there were many citizens who realized that a single-party system would not survive the climate of change in Soviet-dominated countries. The Communist Party collapsed as a political organization in 1988. In fact, political dissidents began even before Gorbachev's announcement to take advantage of the diminishing communist control and formed their own political parties. There were neither violent demonstrations nor political executions -- the transition took place in a peaceful manner through peaceful measures. Though there had been major waves of emigration in the past [200,000 people fled after 1956], in 1988, people had no reason to flee the country.

Discussions were held in the summer of 1989 between the ruling Communists and opposition groups in what was termed a "Round Table." A new constitution was negotiated and adopted by the Socialist General Assembly, which was the only legislative body at that time. Many deals were constructed to pacify both the opposition and the governing parties and to ensure a balance of power among them. For example, in return for relinquishing some privileges and positions, the opposition parties have the power to nominate the president.

The first democratic, multi-party elections in 45 years were held in 1990, resulting in a six-party parliament, governed by a right-of-center coalition led by the Hungarian Democratic Forum (MDF). The first parliament grappled successfully and unsuccessfully with many controversial issues. Early attempts at trying to force through legislation by majority votes, rather than consensus, angered and frustrated the liberal opposition which was trying to find its role in the country's new democracy. Rising unemployment, inflation and crime, unreported during the Communist era, led to popular disillusionment with the MDF government.

Consequently, the Hungarian political landscape shifted dramatically in the May 1994 election, as the Hungarian Socialist Party (the reformed Communist Party) swept to power by portraying themselves as the party of competence, best able to solve the economic and social problems caused by the transition, without weakening Hungary's commitment to democratic and market reforms. Although the Socialists (MSZP) won enough seats to govern alone, party leaders chose to form a coalition government with the Alliance of Free Democrats (SZDSZ), giving them a healthy majority of 72 percent of the seats in parliament. The result of this coalition meant that the economic policy was more liberal than socialist, as several key ministerial portfolios were given to the SZDSZ.

C. The Hungarian Parliamentary Structure

Messrs Vidos, Hann and Hack outlined the essential elements of the Hungarian electoral system. The explanation covered the selection of MPs and the methods utilized by members to represent their constituents. They noted that some of the 386 Members are elected directly from

individual constituencies representing regional interests (176 seats) while others are elected from regional or national party lists (152 and 58 seats respectively) by proportional representation reflecting party loyalties. To qualify for seats in Parliament, a party must win at least five percent of the vote in the elections (four percent before the 1994 election). The result of this is that following the past two elections (1990 and 1994), the number of parties represented in the parliament has dropped from 47 to seven.

Members later met with Dr. Muller, a specialist in legal and technical matters in the prime minister's office. He outlined the procedure followed by the president (elected by the National Assembly for a five-year term), to form a government after the election results are confirmed. General elections are held every four years. The president's authority is limited, but in some cases he can veto or reject a bill which then results in further legislative deliberation.

The president asks the leader of the party with the most seats to form a government, and recommends for Parliament's consideration the prime minister (not necessarily from the majority party). The prime minister then selects individuals for ministerial portfolios. The president confirms the ministers that the prime minister recommends, after approval by a parliamentary committee and the plenary.

The judiciary in Hungary reviews disputed issues and is a major player in the balance of power. Senior judges are elected by secret ballot by the parliament. So far, the court has shown its determination to oppose certain moves and laws that it deems unconstitutional. Currently, it is one of the most popular political institutions in Hungary -- notably since 1995 when the court ruled some economic austerity measures unconstitutional. The government cannot take an action that is against a law. If they do, an MP can turn to the constitutional court to ask for a review. In addition, the case can be referred to the office of the ombudsman.

The parliament in Hungary is supported by a non-partisan secretariat which serves all the members of parliament. This office is headed by a secretary general (chief of staff) who is not an elected member. The delegation met with the secretary general, Mr Istvan Soltesz, who described his role as one of assisting the speaker . The secretary general attends, but cannot address, the sessions. Moreover, he acts as a prompter for the speaker, advising him of the rules when needed, so debate proceeds according to the Standing Orders.

The secretary general's office is responsible for preparation of all the arrangements for the sessions and the timely distribution of the agenda to members. The staff includes twelve lawyers to assist committees, as well as a variety of experts to support committee work. The total parliamentary staff is 550 with an additional staff of 200 hired by, and responsible to, the seven caucus offices. Mr. Soltesz pointed out that opposition caucuses receive more than their fair proportion of the budget allocation as compared to the government party since the government has the entire public service machinery at its disposal.

D. Plenary procedures

Transparency

Plenary sessions in the Hungarian parliament are open to the public and are broadcast on television. Leaders of the political parties are entitled to make speeches at the beginning of the day's session on issues of urgency or national concern. There is some concern that this process is used for political grandstanding due to the difficulty of reaching a consensus on the definition of "urgency."

Every speech given in parliament is recorded and the entire proceedings of all sessions are printed within one week and distributed to members. The public can subscribe to this service; in fact, it is mandated that each college and university receive a copy. The parliamentary library, open free of charge to the public, also stores each weekly publication along with copies of bills and recommendations for amendments.

Occasionally, secret ballot votes are taken when choosing individuals to fill high positions such as judgeships. With a two-thirds vote of attending members, the plenary can be closed to the public. This happened during the 1991 Persian Gulf War, when members vested the special session to hear about US Defense policy to decide whether to allow American bombers to refuel in Hungary. During that session, the entire parliament building was cleared, with no recording or handwriting allowed.

The principle behind transparent government was summed up by the secretary general, Mr. Soltesz, "Publicity is the major rule in parliamentary life; therefore, all documents must be available."

Role of the Speaker

The speaker of the Hungarian National Assembly must "sit in his seat as the captain of the House." He has the right to stop discussion if "unparliamentary" language is used and to keep deputies to the time limits. He generally does not speak. It is forbidden for the Speaker to participate in debate from the chair, articulate an opinion or vote. In the past eight years, he has only once asked that parliament suspend his position as chairperson so he could respond to a personal insult. The Speaker does not even have a deciding voice in the event of a tie vote. There are two Government and two Opposition deputy speakers who rotate; thus, when a controversial issue is debated, a vote as to who will preside as speaker is taken. The outcome of a vote could be determined by who is in the chair (and therefore not able to vote) at that time. When not presiding, deputy speakers serve as ordinary members, and sit in their parliamentary seats.

Setting the agenda

The agenda for the session is determined by the House Committee, which is comprised of the speaker and representatives of the seven political party caucuses. The basis for the agenda is a

list of bills submitted by the government every six months. The prime minister writes a letter to the speaker, outlining the issues in each bill, identifying any that are considered urgent, and asks parliament for dates on which it will consider these matters. When it comes to finalizing the list, many factors are taken into account, such as the number of bills the parliament can feasibly examine. While a guideline for legislative planning, in the end, the list is not rigidly adhered to. Items may be dropped, added, or altered as new priorities arise.

In the second half of the calendar year, parliament must give priority to budget and tax bills. Strict time limits for debate have been imposed on the work of the Budget Committee. In August, the Government begins the process by discussing the budget details with the Finance Ministry (which has canvassed the various ministries for their input). A draft budget bill is then submitted to parliament at the beginning of September. Committees and members have one month to prepare before debate begins in October and ends in November. A final plenary vote is taken at the beginning of January.

The House Committee meets on Thursdays to set four- to five-week agendas, which are presented by the speaker to plenary. The members also discuss the upcoming week's agenda in detail, in addition to approving a long term schedule. On Fridays, all MPs receive the agenda for the next week's session detailing plenary length, bills, motions, and speakers. The House Committee decides how much time will be spent debating each issue. As government parties have the greater voting power, more speaking time is allotted to the opposition parties.

Passing legislation

The president of the republic, the government, or any committee, all have the right to submit a draft bill to parliament. Bills are automatically placed on the legislative agenda. An individual member also has the right to submit a draft bill, but in that case the draft is forwarded to the appropriate committee to determine its merit. The committee then either recommends it to the plenary or rejects it. If rejected, the MP still has one last opportunity to put his/her bill forward. S/he is given five minutes to defend the bill to the full House. Generally, if the committee does not accept the bill, neither will the parliament.

When a draft bill arrives from the government, the cover page has the following information:

DRAFT OF GOVERNMENT OF HUNGARY REGARDING [ISSUE X]. DRAFT # [N]

The speaker refers the bill to the relevant committee. The committee prepares a report stating whether it recommends the bill for general debate. The draft then goes before the plenary for general debate. At this stage, anything can be said about the draft. This first reading can take two to three weeks. At a minimum, the author of the bill explains the intent of the legislation and speaks in its favor. The committee then summarizes its position as detailed in the report. During the debate, the government speaks first, followed by the opposition. Any member can submit an

amendment at this stage. In summation (closing debate), the government is given time for additional remarks followed by a rebuttal from the opposition.

The draft returns to the appropriate committee to review the amendments. The role of parliamentary staff is very important at this juncture because they arrange all the amendments in the correct sequence and in a standardized coding system. This way it is clear to members which sections are to be considered for addition or deletion. If amendments do not receive the support of at least one third of the committee members, they do not proceed. Amendments receiving at least one-third of the vote are presented back to the plenary, with recommendations from the committee on whether to accept or reject the amendment, for specific debate on second reading. Usually, the plenary accepts the committee's recommendations.

The proposal returns to the committee for additional comments in light of the debate and then returns to plenary for third and final reading. Throughout the process, votes are registered for each amendment as well as for the bill as a whole. Last year the parliament voted approximately 20,000 times.

After voting, the Constitutional Committee has one week to demand the return of the bill if the amendments it opposed were passed in plenary. This procedure is invoked to ensure harmony in the laws.

Question period

Each Wednesday between 1:30 pm and 4:30 pm a question period is scheduled. There are three kinds of questions:

Immediate questions:

A member wishing to ask a question of a government minister must submit his/her question to the speaker in writing identifying the topic. Two minutes are allotted for the question and the response from the minister.

Written questions:

If an MP does not want a verbal response, s/he would submit a written question to the Speaker's office by noon on the previous Friday. This gives the minister time to prepare a response by the following Wednesday. Again, both the member and the minister have two minutes for the question and the reply to be read into the record.

Interpolations:

In this case, the question is written and the response must be issued verbally. Three minutes are devoted to the reading of the question, following which the minister has five minutes to respond. The member then has two minutes to then accept or decline the explanation. Should the member veto the reply, the matter is put to a vote of the plenary. Opposition members usually vote to reject the minister's answer, but, as the current

coalition has a 72 percent majority, it is rare that parliament does not accept the Cabinet's response.

If parliament rejects the minister's answer, the speaker will send the response to the relevant committee. The committee can then accept the response, rationalizing that five minutes was not adequate time for the minister to explain the issue, but after careful study, the committee now accepts the Cabinet's position. Should the committee fail to accept the response, there are no legal consequences. However, this action serves as a warning to the government that a majority of the parliamentarians are not satisfied with the outcome of the issue.

E. The Role of Committees

The Hungarian National Assembly, like many other legislatures, relies on its committees to perform most of the detailed work of parliament. Members are elected by parliament as are their chairs and vice chairs; and membership is apportioned according to party representation in the Assembly.

There are sixteen standing or permanent committees, roughly corresponding to the ministries, which meet each Wednesday and Thursday. Committee meetings are open to invited public, NGOs and lobby groups who have been registered as interested in participating in public policy debate. To register, a letter is sent to the secretary general requesting to be put in the data base of NGOs indicating in which areas they have a particular interest or expertise. This data base is available for the use of MPs and committees. If an MP is impressed by the group, s/he can invite representatives to the hearings. The committee can vote to hear presentations from these representatives. Whenever possible, the Constitution and Judicial Affairs Committee invites law students to attend. Committees can vote to hold closed sessions for national security reasons. The National Security Committee, whose members must have an extensive background clearance check, is the only committee closed to observers.

The duties of the committees include consideration of government bills and the presentation of opinions and recommendations on policy initiatives. Amendments to bills must receive support from at least one third of the committee members or they are not forwarded for plenary consideration. Committees have the right to initiate bills as well as the responsibility to review drafts bill from individual members which are referred to them by the speaker. Committees vote on the merit of these bills and recommend whether plenary should consider such a measure. In practice, only about one third of the private members' bills reviewed by committees proceed to the plenary. Another important committee task is to hold hearings to review and to ratify the government's selection of ministerial appointments.

Parliament can establish *ad hoc* committees as it deems appropriate. The purpose of such committees is either to investigate an issue or to fulfill a specific task. These provisional committees would, at the close of their work, submit a report to parliament containing their

conclusions and recommendations.

PLC Members had the opportunity to observe the Budget Committee in operation followed by a discussion of the proceedings with Dr. Peter Hack. Dr. Hack also reviewed the operation of the Constitution Committee, of which he is the chair. Members also met with the chair and other members of the Local Government Committee.

The committees in the Hungarian Parliament have had to overcome many obstacles to reach their present level of effectiveness. Until 1994, the meetings often were delayed or postponed due to a lack of quorum, and when they did proceed, business was hampered by quarreling amongst the members. Such disorganization was overcome by limiting to one the number of committees on which any member could serve, by streamlining the voting procedure to allow for proxies, and by prioritizing their work on long- and short-term (annual, six-month, monthly and weekly) agendas. They developed criteria by which a proposed piece of legislation must provide answers to several questions to be recommended to the plenary such as: Is the law needed? Will it benefit the public? Does is conform to previous regulations? Does it conflict with environmental laws?

F. Legislative/Executive Relations

The relationship between the legislative branch and the executive branch is of crucial importance in any democracy, and therefore was a topic of much discussion between the Hungarian and Palestinian parliamentarians. Dr. Hack and former Hungarian National Assembly member, Lazlo Rajk, were very candid in their observations.

In the Hungarian parliament there are three primary methods employed to oversee executive action:

- question and interpolation period,
- committee hearings, and
- the examination and approval of the budget.

As a last resort, the government can be dissolved by a 50 percent majority vote of the members. However, with this no-confidence vote, or impeachment, only the prime minister can be removed, not any of his ministers. This system was adopted from the German model.

Hack and Rajk emphasized the use of question period as an important vehicle for oversight of policy direction and fiscal responsibility. In Hungary, question period is routinely scheduled for three hours once a week (see section on plenary procedures for details on format).

Mr. Rajk noted several strategies which can be invoked to keep the executive accountable. According to the Standing Orders of the Hungarian parliament, a member may refuse to have a

response to his/her question given by a substitute for the minister or prime minister, thus preventing the particular minister from avoiding answering difficult or embarrassing questions.

He also suggested that a question could be repeated over and over, week after week, until the Minister, through public pressure, provides the information. Another strategy is to solicit small segments of information until, step by step, enough of the pieces have been revealed to put together a complete picture.

Mr. Rajk added that, during the preparation stage of legislation, a member should question the intentions of the executive; while after a bill is passed, the implementation process should be monitored and any delay questioned. This makes it difficult for government to pass legislation which they do not intend to implement.

Dr. Hack discussed the channels used by committees to exercise control over the executive. He described an agreement which was reached between the government and the SZDSZ caucus as follows: in principle, the government cannot present a bill until the appropriate working group of the caucus has agreed to it.

MPs could, for example, request the Local Government Committee to investigate an issue. The committee would set up a task force comprised of government representatives and lawyers. This task force would use its expertise to produce a report for submission to the committee and based on that report, the committee then makes informed recommendations. These recommendations are forwarded to the relevant ministry, but the committee continues to monitor the ministry to assure that they are following the recommendations properly.

In the review of the budget by the Budget Committee, the attendance of government ministers is seen as critical. The government is required to explain various line items and answer specific questions as to why some items require amendment and others do not. Although a simple "yes" or "no" suffices occasionally, the Committees usually focus on more specific details, and want more complete answers.

The State Audit Office (SAO) has been established by the Hungarian parliament as a critical oversight vehicle. This office is an independent and non-partisan body whose president is elected by parliament for a twelve-year term. The president cannot be a member of parliament.

The SAO has three main goals or objectives guiding its operation:

- to protect public funds from corruption;
- to ensure that government agencies are distributing funds properly *i.e.* the correct people/programs are receiving the correct amount; and,
- to monitor the actions of civil servants in order to guard against favoritism.

Each March, this office issues a financial statement on the execution of government

programs. While technically an auditor has authority to examine the implementation of each piece of legislation, in reality, an auditor looks randomly at files and searches for certain details. In addition, Parliament can ask the SAO to investigate concerns by placing a request to the SAO in writing. Although the SAO has the right to refuse these requests, it usually cooperates with the Parliament.

The State Audit Committee of parliament receives and monitors all reports issued by the SAO. The SAO can bring particularly egregious items to the attention of the Committee, such as a scandal incriminating a minister. If the nature of the misdeed suggests an abuse of power, the Prosecutor General may call for a criminal investigation as well. The Committee may also establish a special investigation culminating in a report to parliament on the findings.

Finally, the Hungarian Parliament has a provision whereby it can pass a resolution obligating the government to report annually on an issue either to the plenary or to individual committees.

G. Constituency Relations

The NDI and PLC delegation had the opportunity to visit a SZDSZ constituency office in Tasz-Nagykon Szolnok in the rural Jaszbereny region of Hungary. Constituency offices are organized through the political parties of each sitting member, but this one was also used by local SZDSZ city councillors and the Mayor (also SZDSZ). The Mayor attended this meeting and outlined for the PLC members the importance of maintaining close communications between the Member of the National Assembly representing the constituency and the local politicians. Working in a coordinated fashion, they can achieve many improvements for their community, even if they are of different political parties.

The staff members of the constituency office play a major role in assuring the member of parliament is kept abreast of all the local issues, by advising the member of matters brought to the office by constituents and local politicians. The parliament has no scheduled sessions on Fridays, so members are free to travel back to their districts to meet with the electorate. The staff keep official hours which are published so constituents know when they can visit the constituency office.

Lazlo Rajk earlier had stressed the primary duty of an MP as developing strong, transparent relations with the public: "One of your basic tasks is to bring power to the people. For example, if you have a rural constituency, it is hard for them to understand that public transportation is important to the cities. You must explain why it is important, but also discuss inter-city transportation."

"It is essential for any politician to have strong roots in his/her constituency. You must trust the villagers in the far-flung areas because they know more and better than us, especially when it comes to their own interests. I believe that we are elected to represent and articulate their

interests, so I am obligated to provide information from the city and bring rural ideals to the capital. Perhaps this over-simplifies the role of a legislator, but it is true." Mr. Rajk stressed that a legislator must force a minister to pay attention to his/her constituency and demonstrate these results to his/her constituents.

"In politics, conducting public outreach is important. If a lawmaker wants to achieve his/her objectives, that individual must reveal their intentions to the public. For example, if I see that a section of a draft law is bad, I will want to prevent that section from being ratified. A lobby in support of the provision may be so strong, so I may need public support to campaign effectively against it, because I can't go against it alone. One tactic I would consider would be to contact a journalist friend and show him the proposal. The journalist could choose to write an article about the issue bringing the issue to the attention of the public."

The strategy of many Hungarian members has been to present their views to local daily papers rather than national ones so that their message directly reaches their constituents.

V. GEORGIA: November 24-30, 1997

A. Introduction

Six members of the Palestinian Legislative Council; Marwan Barghouthi, Yousef Abu Safiyeh, Abdel Karim Abu Salah, Abdel Fatah Hemayel, Muhammad Hourani, and Hassan Khreisheh, spent the week of November 23-30, 1997, in the Republic of Georgia. The delegation was accompanied by Myrna Phillips, Director of NDI's Program with the PLC, Laura Abrahams, PLC Program Assistant, and Reema Abu Hamdieh, PLC Project Assistant. Over the course of one week, the delegation had nineteen meetings in which they met with members of the Georgian Parliament, including the Speaker and committee chairs, members of the executive, NGO representatives and journalists. The delegation also observed several plenary sessions.

B. Political Context

After 70 years as a semi-autonomous Soviet Republic, Georgia declared its independence from the USSR in 1991. In the past six years, Georgia has held several multiparty elections, drafted a new democratic constitution, and worked hard to develop effective and accountable political institutions. The Georgian Parliament has evolved from an inefficient body of more than 30 competing parties and groups, to a more disciplined institution where a smaller number of parties have learned to work together to advance their common legislative interests. Since legislative elections in 1995, the Parliament has functioned cohesively and productively to enact key legislation underpinning the foundations of civil society and economic reform.

The Georgian Constitution of 1995 provides for a strong executive. President Edouard Shevardnadze is both head of state and chief executive, as well as commander in chief of the Georgian armed forces. He is assisted by cabinet ministers, who he appoints subject to

parliamentary approval.

Several years ago, there was extensive reform of the judiciary, so that it is now an independent branch of the government, along with the legislature and the executive. Many of the members with whom the delegation met emphasized the importance of the independence of the three branches of government.

The Georgian electoral system is a hybrid, with 150 out of 235 seats allotted by proportional representation on the basis of a party list vote, and the remaining 85 seats contested by majoritarian voting in single-member constituencies. The most recent legislative elections were held in November 1995, and resulted in a combined total of 112 seats for the CUG. Two other pro-Shevardnadze parties, the All Georgian Union for Revival and the Socialist Party, won 32 and four seats respectively, thus guaranteeing the government a comfortable parliamentary majority. The largest opposition party, the National Democratic Party, took second place in the party list voting, but nevertheless ended up with only 35 parliamentary seats.

The extreme political instability during the years 1990-1994 coincided with the loss of Soviet economic support, thus sending Georgia's economy into a tailspin. The Georgian economy as a whole contracted by more than 60 percent during this period. Agricultural production fell by 95 percent in some areas, and industrial production decreased by 80 percent. Meanwhile, the Georgian currency became practically worthless as inflation climbed to some 10,000 percent in 1993. Many people in this once prosperous republic were reduced to subsistence living. In 1993 and 1994, near famine conditions were reported during the winter months, and international donors were credited with having saved many people from starvation -- particularly among the refugee population.

The political unrest that Georgia has experienced in the last decade has had an impact not only on the social and economic indicators, but also on the very structure of the country's government. The 1995 Constitution does not include provisions defining the respective jurisdictions of federal and local government, but rather postpones these decisions until the territorial integrity of Georgia is assured. The structure of the Georgian Parliament also depends on the eventual resolution of Georgia's internal political conflicts. Although the current Georgian Parliament is a unicameral body, the Constitution envisages the eventual creation of a bicameral legislature. Article Four of the 1995 Constitution states that once "appropriate conditions" are met, the Georgian Parliament will consist of two chambers: the Council of the Republic, which will be elected through proportional representation, and the Senate, which will be composed of deputies elected in the country's territorial units.

C. The Georgian Parliamentary Structure

The Georgian Parliament is a unicameral body and is the legislative authority in the country. It is viewed as one of the most successful examples of a democratic legislature in the former Soviet Union and has grown into a very active body, particularly in its roles as lawmaker

and overseer of the government. Indeed, the transition is noteworthy, as the Parliament has progressed from a body lacking rules of procedure (which took two years to pass) and where debates focused on political crisis, to an institution that has passed more than 200 laws in two years.

The Parliament consists of 235 members, who are elected to serve a four-year term of office. The Speaker of Parliament is elected by his peers. The current speaker is Zurab Zhvania, Secretary General of the CUG.

Elected independently of the President, the Parliament's clout vis a vis the Executive has been strengthened under the new Constitution. In addition to the power to initiate legislation, the Parliament has also been given the right to override executive vetoes and confirm or reject the President's cabinet appointments. Furthermore, the Parliament can initiate impeachment proceedings in the event of presidential or ministerial misconduct. The President and his government, however, lack the power to dissolve the legislature.

The Georgian Parliament alternates weeks between plenary and committee meetings. During the plenary week, Mondays are for faction meetings, and Tuesday-Friday are for plenary sessions. MPs work from 10:00 a.m. to 7:00 p.m. every day, though their work day is often extended until midnight.

The large Parliamentary staff is led by a Director General (Chief of Staff), who is appointed by the members of Parliament, but is not a member herself. There are three major categories of staff: those who work in one of the fourteen departments of the Parliament (e.g. Public Relations, Press, Legal, International Relations, Research, Financial); the committee staff (there are fourteen committees and each have eight staff), and the staff of the political parties and nine party factions.

In addition to this highly organized staff structure, the Georgian Parliament has also developed an extensive library and research department, the purpose of which is to provide information to parliamentarians. There are three branches of this unit, including the research group, which prepares analytical work for the MPs, and are available to answer their questions; the library group, which is in charge of maintaining materials and conducting "strategic reporting" for the MPs; and the archive group. All of these departments work in coordination with each other, and with the parliamentary staff. They have a local computer network with Internet capability, so staff and members can liaise with other parliaments and glean research and other information from the Internet. There are more than 50 staff in the research department, all of whom are computer literate, and speak at least two foreign languages. There are also lawyers, economists, philosophers and other professionals who work in this department.

D. Plenary Procedures

In meetings with several of the Georgian MPs, they stressed how important the issue of

committed leadership has been in their democratic transition. Upon its election in 1995, the Georgian Parliament was characterized by 33 dueling political parties and the absence of standing orders or internal rules of procedure. Now, there are only three political parties in a Parliament which has passed over 200 laws in the past two years. According to the Speaker of the Parliament, over the past two years "we have developed a civil code which is as important as the constitution; a criminal code; and, [generally] there has been a lot of legislative activity, even while we are trying to solve political problems. In the beginning, we spent a lot of time on political issues, issuing resolutions." Many people noted that the key to this successful transition can be attributed, in large part, to the will and initiative of the Speaker and parliamentary leadership.

By law, the Parliament is required to convene two sessions per year. The Autumn session opens on the first Tuesday of September and closes on the third Friday of December. The Spring session begins on the first Tuesday of February and ends on the third Friday of June. As stipulated by the Constitution, the president of Georgia, at the request of the Speaker, one-fourth of the deputies, or by his own initiative, may convene an extraordinary sitting of Parliament in the period between regular sessions. These extraordinary sessions must have an agenda, and are closed upon the completion of the agenda.

Plenary sessions are open to the public, unless a majority of those present request that a particular sitting be closed. Parliamentary proceedings are recorded and made available to the public. All legislative votes are open and recorded, except in the case of a sensitive issue (e.g. voting to approve a minister), at which point the vote is secret. Voting takes place at a fixed time at the end of each day so that all members can plan to be present for the vote, even if they do not attend all of the debate.

Mr. Zhvania, the speaker of the Parliament, emphasized the importance of neutrality in his role as the chairman of the plenary. He noted that it is extremely rare for him to take part in a debate, and he is prohibited from doing so from the chair. If he wants to speak, a deputy speaker will take over and he will speak from the floor. According to him, "my main job is to let all parties express their views which is very important because my job is also to facilitate compromise." He added, "we like to make all of our decisions based on compromise. It is the most important thing in the parliament."

The Parliamentary Bureau, a committee composed of the Speaker, committee chairs, and representatives from political factions, adopts the agenda for an entire year. This schedule is published, and all members receive a copy. This Committee meets weekly, and determines schedules for plenary and committee meetings. MPs receive a copy of the agenda one day before a given meeting.

In addition, the Georgian Parliament has a Procedures Committee, which was seen as a necessary development, as the initial proceedings of the legislature were chaotic and unorganized. In addition to working with the rules of procedure to organize the work of the legislature, this

Committee also establishes criteria for the roles and responsibilities of MPs (e.g. whether they can work in other professions), as well as the privileges they can receive (e.g. housing allowance for members far from the capital, Tbilisi).

Through observation of the several plenary sessions, PLC members were able to observe, first hand, proceedings of the Georgian Parliament. In one such session, question period was scheduled, but many of the Ministers were out of the Parliament, hosting a visit of the Estonian President. Some Members proposed a motion to adjourn the session, since question period -- the scheduled item on the agenda -- could not be held in their absence. While the motion failed, and the session proceeded to the next item on the agenda, this episode clearly illustrated how seriously members take adherence to the written agenda.

Passing Legislation

According to law, the President, parliamentary committees and political factions hold the right of legislative initiative. The Legal Committee, for example, has initiated 42 pieces of legislation. Anything drafted by the executive must be endorsed by the President before it is presented to the Parliament.

All draft bills are given to the Parliamentary Bureau, which decides when the bill will be discussed in Parliament.

Every bill passes through three stages, or readings. The first reading is on the general principle of the bill. The second reading is more detailed, and there is voting on each clause. The third reading is when all amendments are taken into account. The voting occurs in the plenary, but the majority of the legislative review is done in committees, which work on the text and wording of the bills.

As outlined by the Secretary General, each draft bill has an attached cover sheet which contains the following information:

Name of the draft law
Which reading
Which committee has reviewed it
Which individuals worked on the draft law
List of ministries where the bill was sent
Date for first reading
Name of committee rapporteur
Member of staff responsible (there is a staff member responsible for the procedures and tracking of each draft law)
Endorsement by the Legal Committee (if a law is in contradiction to the constitution or other laws, the legal department will not endorse it. This endorsement is based on the constitutionality of the draft law, not on policy consideration. If approved, then the first reading commences).

These cover pages/information summaries are color-coded to differentiate the three readings. In addition, plenary agenda is printed in a different color, to facilitate the work of the members and to eliminate confusion as to which reading is being considered.

Deliberations of the first reading are recorded live on TV. Before the second and third readings, the committee meets again. Attached to the draft law at the second reading is a page that lists amendments. Amendments are discussed in detail during this reading. Amendments must be submitted in written form, which, according to one member, increases the efficiency of debate while ensuring that everyone has equal opportunity to submit amendments.

There cannot be more than one month elapsed between the first, second and third readings. In practice, this process usually takes two weeks. A law is not valid until it is published in the Official Bulletin of the Parliament, as well as in newspapers, magazines, etc.

E. Role of Committees

Committees in the Georgian Parliament have evolved in the past several years to play a more meaningful role in the legislative process. The constitution stipulates that standing committees are created in the Parliament for the term of its authority. One of the main functions of these [fourteen] standing committees is the preliminary preparation of legislation. Hence, by the time that a bill is presented in the plenary, it should have already been passed through the steps of public hearings and committee discussions. Committees also help ensure government accountability by serving in an oversight function, particularly with respect to the budget.

There must be at least ten members on each committee, but the maximum number is open. However, MPs can only sit on one committee, which, in the words of one chairman, helps members to stay focused on their work. There is proportional membership between the committee and members, meaning that the overall percentage of seats of a certain party is also reflected in the committees.

Temporary (ad-hoc) committees may also be created at the request of one-fourth of the deputies in Parliament. Majority party representation in temporary committees is not to exceed one-half of the total number of members of such a committee.

The relevant committee will review draft legislation, and schedule hearings. Committee hearings are generally announced on TV and in the newspapers. Any citizen can attend the parliamentary committee hearings. Citizens, either as individuals or as a group (e.g. NGO representatives) can participate in the hearings. Comments and suggestions raised at these hearings play an important role in the committee's consideration of a bill.

In addition to the importance of transparency of committee meetings, the delegation also saw how committee legislative hearings are utilized as an important tool of public outreach. Several committee chairs noted the importance of committee hearings as an integral stage in the

legislative process. They see this as *the* opportunity in the law-making process to exchange information with the public. The chair of the Agriculture Committee, for example, noted that "before the Lands Law was passed, we conducted hearings with people in eight regions." This was echoed by the chair of the Natural Resources Committee, who commented that "we have continuous relations and consultations with the people. The members of the Committee travel [around the country]."

Committee chairs, as well as the speaker, also emphasized their relations with the executive, in terms of coordinating on legislation, and maintaining open lines of communication between their committee and the respective ministry. Ministers are required to attend committee meetings to which they are invited.

In many of the discussions with committee chairmen, they noted the important role that their staff play in the legislative process. The Chairman of the Foreign Relations Committee, for example, noted that he has fifteen staff members, including lawyers and economists, who assist in conducting research on legislation, drafting briefing papers for members, etc.

F. Legislative-Executive Relations

A primary theme raised in many of the meetings with the Georgian MPs was the importance of facilitating and encouraging compromise during the transitional phase. This is critical, both for the internal workings of the Parliament (e.g. Government versus Opposition), as well as in the area of legislative-executive relations. Members, particularly the Speaker, attribute much of the success of Georgia's democratic transition to the commitment among members of the government and parliament to strike compromises with each other.

The Parliament can introduce a motion for the impeachment of the President. In the event that one-third of the MPs believe that the President has committed a gross violation of the Constitution or other laws of the Republic, they may send their case to the constitutional court or supreme court for judgement. If the court confirms that the President has committed the crime of which he was accused, then the Parliament decides by simple majority whether to take a vote on the impeachment of the President. If two-thirds of all MPs vote in favor of the motion on impeachment, then the President is considered removed and impeached. The Parliament may also remove members of government through a similar procedure.

There is a Minister's Hour, or question period, scheduled for each Friday afternoon of the plenary meeting weeks. Any MP has the right to submit a written question to a minister, which they are then required to answer in the session.

In addition, Members of Parliament have the right to question government officials. A group of ten deputies may bring a member of government before Parliament to answer questions. The answer provided may then become a matter of consideration by the Parliament. This power has recently been used as a means to combat official corruption. In June 1996, the leader of the

main opposition party accused the state security minister of phone-tapping and triggered a parliamentary investigation. After the public prosecutor's office confirmed the phone-tapping accusation, the minister resigned.

While the President generally only attends the plenary session when an important issue is being discussed, there is a President's Representative to the Parliament who attends all of the plenary sessions. This representative is not an elected member, but rather part of the staff of the executive. He reports back to the president on a daily basis about the parliament's proceedings. Moreover, the representative can be questioned, like any minister, on executive policy.

The Representative, Mr. Khetsuraini, described how the need for his role evolved over time: "In 1992, it was hard to find the balance between the executive and the legislature. There was conflict between the different parties, and between the legislature and the executive...I try to solve problems and facilitate relations between them. Our constitution does not allow for the dismantling of parliament, so I must work hard to coordinate and reach agreements. Conflict would mean to return to what happened a few years ago [civil war]."

He emphasized, moreover, that "I use the mass media to conduct my work. Under my jurisdiction lies the gathering of information about public opinion, and accordingly, I advise the President."

PLC members were very interested in learning about the details of this position; specifically, the responsibilities and rights of the President's Representative. As stated by Mr. Khetsuraini, "it is an important position to balance relations with both authorities [legislative and executive]. Some MPs are not happy with the President. I have relations with all of the ministers and can help solve problems at their preliminary stages. If the problem is big, then the President plays a role in helping to solve it." PLC members commented that a similar position should be created in their Council.

In addition to his involvement in the plenary, Mr. Khetsuraini also meets with the majority party caucuses to discuss important issues with them. He is not allowed to attend committee meetings, but usually attends the meetings of the Parliamentary Bureau, and attends the Government caucus meetings.

In addition to the President's Representative to the Parliament, who is a direct liaison between the executive and the legislature, the Speaker of the Parliament also consults with the President on a daily basis. This interaction is particularly important surrounding the discussions over the annual budget.

Indeed, one of the most important areas of legislative-executive interaction occurs with the review and passage of the budget. Each committee reviews the budget of their respective ministry, and ministers are required to answer any questions.

In the words of the Deputy Minister of Agriculture, "There is good cooperation and mutual understanding between the Agriculture Ministry and the Agriculture Committee [of the Parliament]. We, in the Ministry, do our work based on legislation from the Parliament. That is the foundation, like any new democracy."

G. Constituency Relations

Not unlike the situation facing members of the Palestinian Legislative Council, Georgian MPs expressed that a lot of their time is spent responding to constituent complaints that relate to the overall economic situation (e.g. unemployment, lack of electricity, money).

Another parallel with the situation facing PLC members is the lack of resources allocated for constituent relations, in terms of office space, staff, etc. Many of the Georgian MPs, for example, also do not have individual constituent offices, so they are continuing to develop strategies to enhance these relations in the absence of sufficient infrastructure.

While informal interaction with constituents is still at a formative stage, as is a system of well-functioning constituency offices, there are, nonetheless, links developing between MPs and the public. One key form of interaction with constituents on legislative issues occurs in committee hearings.

VI. SIMILARITIES AND DIFFERENCES

While the study missions to Hungary and Georgia had similar agendas, there are key differences seen in their democratic transitions and parliamentary development. These are included below as a means to highlight that there are variations in detail on how these parliaments operate, reinforcing the premise that there is not one "perfect" model of parliamentary development. Nonetheless, there are important similarities highlighted in this analysis, which relate to universal principles that provide the foundation for an efficient, democratic parliament.

Commitment to democratic organization

The Hungarian and Georgian parliamentarians recounted the difficult period they went through en route to establishing their democratic parliaments. They cited problems of disorganization, divisions and dissension due to large numbers of political factions. Both groups acknowledged that they had made two decisions which were the turning point to democratically reforming their legislatures: 1) setting thresholds for party representation in the House or lower chamber, which served to formalize the party competition that already existed and more importantly, helped to increase the organization of the plenary sessions; and, 2) the leadership making a commitment to follow an organized plenary structure and ensuring they had the capacity to deliver this by employing competent, trained staff. In contrast to these systems, The Palestinian Legislative Council does not operate with official political parties but unofficially has one main party, Fateh, and several small opposition parties, Islamist members and independents. The PLC

has yet to make a concerted effort to operate the plenary sessions according to established parliamentary norms.

Democratic experience

Historically, Hungary was a functioning representative democracy before the Soviet invasion in 1956. Georgia, on the other hand, has emerged from 70 years of one-party rule as an autonomous Soviet Republic preceded by the Czarist monarchy. The Palestinian members, who have faced a series of occupational forces for many decades, have no history of parliamentary democratic decision making.

Electoral systems

Hungarian and Georgian electoral systems are similar hybrids -- members are elected both directly and from party lists. Seats in the Palestinian Legislative Council are directly selected by voters for a number of members in each constituency. The Hungarian President is elected by Parliament while the Georgian and Palestinian presidents are elected directly.

Georgian and Palestinian Cabinet Members are nominated by the President and ratified by the parliaments while the Hungarian Prime Minister has the responsibility to recommend executive candidates to the President and the plenary for approval.

Constitution and judiciary

Adoption of a constitution delineating governmental and legislative powers has been achieved in Hungary and Georgia, while the PLC has passed third reading of a Basic Law but is still awaiting presidential signature and implementation. Both the Hungarian and Georgian parliaments have given high priority to reformation of their judicial system to assure the independence of the courts. The PLC has begun consideration of a draft law on the independence of the Judiciary.

Adherence to parliamentary procedures

There is a striking difference between the way parliamentary procedures are strictly adhered to in the Hungarian and Georgian parliaments in comparison to the Palestinian Legislative Council. Members in those two parliaments were very open in describing the inefficient and chaotic sessions they had in the early years. Their leadership took serious measures to address the problems and were supported in their efforts by all parties in parliament. The present high level of efficiency and organization was achieved in comparatively short time with the recruitment and assistance of a cadre of trained and dedicated staff.

The speakers in the Hungarian and Georgian parliaments follow their Standing Orders strictly. They are totally committed to the role of a neutral chair of the proceedings and hold as

their most important responsibility that of upholding the rules of the house. They both have instituted a House Committee which agrees on the daily and sessional agendas. Both parliaments make extensive use of their committee structure and committee hearings. They have each developed strong mechanisms to oversee the executive branch. Each use Question Period in a systematic manner to ensure the ministers are held accountable to the legislative branch.

The PLC, on the other hand, has not yet set adherence to the Standing Orders as a top priority. The role of the Speaker is clearly stipulated in the Standing Orders to be a neutral one. However, this rule is abandoned regularly by the Speaker without the members forcing the issue. The result is that the plenary proceedings are more frequently than not, most unpredictable and decisions are made in an unorthodox, if not undemocratic, manner. While some progress has been made-- the agenda is more regularly distributed to members -- there is much to be accomplished before the plenary or the committees are operationally efficient and effective. Question period was invoked by the PLC during its second annual session, but is held on a haphazard basis and is not yet institutionalized.

Transparency

Transparency is an imperative for Hungarian and Georgian parliamentarians. Plenary proceedings are open to the public and are televised. Parliamentary documents are available to the public. Committee meetings are open to the public (except for national security debates) and committees often hold hearings throughout the country. The sessions of the PLC are also open to the public. They had briefly been televised but the transmission was suddenly ended under very questionable circumstances. Committees can vote to open their meetings to the public but to date only one committee has chosen this option.

Legislation

Each session, the parliaments of Hungary and Georgia pass and implement dozens to hundreds of pieces of legislation. To accomplish this, these parliaments sit for long sessions, often late into the evenings. The PLC has, as yet, passed only four laws in its first two years. It meets for approximately three hours a day for six-eight days a month. The executive, legislative committees and individual members can submit draft laws in all three parliaments. The rules of the Hungarian and Georgian parliaments allow for legislation to have *three* readings. The PLC, on the other hand, has an additional *zero* reading to discuss the draft in principle, making it possible for a bill to have *four* readings. All amendments are discussed and voted on in committee in Hungary and Georgia while line-by-line debate in the PLC takes place in plenary. Public presentations in Hungary and Georgia are heard in committee following *second* reading of the draft, while the public in the West Bank and Gaza has the opportunity to comment on legislation before it is introduced for *first* reading in the Palestinian Legislative Council.

Staff support

The parliaments of Hungary and Georgia have clear organization charts, job descriptions and reporting structures for staff. Both parliaments have a "chief of staff" whose responsibility is not only to ensure that all the necessary documents are in order for the work of the plenary, but also to ensure the resources of the parliament, including that of procedural advice and legislative drafting expertise, are available to any member. The Palestinian Legislative Council has yet to clarify the function and role of many staff positions and to use, for example, committee staff to their fullest potential. Committees of the PLC suffer from many handicaps, they do not meet on a regular basis and lack organizational ability, both for public consultation and executive oversight.

Legislative/executive relations

Standardized procedures have been institutionalized to enhance the communication between the executive and legislative branches in both Hungary and Georgia. For example, in Georgia the office of the Representative of the President was established for this purpose, while in Hungary, the government submits its list of bills for the coming session to the government and coalition caucus for approval before being finalized. The Palestinian experience represents a more arbitrary relationship between the Executive and the Legislative Council. Whereas in Hungary and Georgia, investigations of ministerial corruption by legislative committees were concluded with severe penalties imposed, in the PLC, a report of an *ad hoc* corruption committee was commented on by the President but with no repercussion as yet.

Constituency support

In Hungary, members of parliament have constituency offices which are well financed and staffed. The PLC has established and funded one constituency office per constituency to be shared by all members of that district, though these are at different stages of development. In Georgia, resources to assist members with funds for opening and staffing constituency offices have not yet been provided. Indeed, the situation in Georgia parallels the challenges that PLC members have faced in developing effective two-way contact with their constituents.

Political parties

Political parties are a major factor in the political lives of Hungary and Georgia. The breakup of the one-party regimes in these countries signaled a new freedom of expression which manifested itself in the formation of a large number and variety of parties. Because the status of West Bank and Gaza is dependent on the peace process and parts are still under Israeli occupation, for the interim period, at least, the appearance of national unity must be maintained.. Therefore, the PLC functions without overt political parties although it is clear that, *de facto*, they do exist.

NGO connections

Few Palestinian NOGS have developed a capacity to lobby with the PLC. A few have

developed a capacity to review legislation but on a very selective basis. There is no formal mechanism in place for contact between PLC members and NOGS. In Hungary, there is a well defined relationship established between parliamentary committees and NOGS. NOGS are registered on a central data base indicating their area of interest and expertise. This computerized list is available to any member or committee, and NOGS on the list can be invited to make presentations to committees deliberating legislation. In Georgia, there is not an abundance of NOGS, as their existence was discouraged under the former communist state. Nonetheless, there are now several NOGS which are having a positive impact on legislative deliberations, particularly in the area of legislative review.

Media independence

The media in all three countries is heavily influenced by the government. Journalists in Hungary and Georgia confessed that, due to the high degree of state ownership of the media, there is a significant degree of state and self-imposed censorship. This opinion was echoed by the members of the PLC. While parliamentary sessions are broadcast live on TV in Hungary, the Georgian and PLC sessions are not.

VII. Conclusion

PLC members who participated in the study missions expressed to NDI that the chance to share experiences and information with fellow parliamentarians and to examine the operations of another transitional legislature was an unprecedented opportunity that will assist them in their work to build the PLC. Through focusing on four key components of legislative development, the agenda for the study missions allowed for specific, detailed discussions that often yielded suggestions for PLC members to apply in their legislature. Moreover, as the Georgian and Hungarian parliamentarians were well-briefed on the context in which the PLC operates, they were able to offer realistic advice on how the Council can strengthen its role in this difficult socio-political environment.

Indeed, there is not one "correct" model for a legislature, yet, there exist universal principles that guide all democratic legislatures, including the ability of members to participate in the legislative process, conduct meaningful oversight of the executive, and develop effective, strong relations with their constituents. The visits to Hungary and Georgia illustrated how the creation of a democratic government and fulfillment of these principles is a long, arduous, and often contentious, process. Moreover, in the words of many of the MPs with whom the delegation met, this is a continual process, that takes time and patience. As PLC members often express frustration at the pace of their development, it was important for their own confidence and morale to meet with other parliamentarians who expressed similar sentiments about their legislatures.

APPENDIX F: ECONOMICS COMMITTEE RETREAT

Retreat Agenda
Program Report

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Economics Committee Retreat
November 8 and 9, 1997
Agenda

Saturday, November 8, 1997

10:00 **Introduction and Welcome**
Myrna Phillips, Director, PLC Program, NDI
Fakri Turkma, Chairperson, Economic Committee

10:30 **Overview of the Legislative Committees in Parliaments**
- role and purpose in democratic systems
- mandate of committees
- role of committee staff
- Committee budget

12:00 **Lunch**

1:00 **Parliamentary Procedure in Committee meetings**
- agenda
- decision-making, motions
- votes
- record Keeping, minutes

3:00 **Duties of the Committee**
- legislation
- policy Development
- oversight/departmental budgets
- complaints

5:00 **Adjourn**

6:00 **Dinner**

Sunday, November 9, 1997

9:00 **Scheduling the Committee's work**
- identification of tasks ahead
- short term plan (3 months)
- long term plan (6 months)
- coordination with other committees

11:00 **Organizing Public Hearings/Interest Groups**
- public Participation
- policy Issues
- legislation

- executive Participation
- organizational Requirements

12:30	**Case Study**
2:00	**Lunch**
3:00	**Adjourn**

Economics Committee Retreat

A National Democratic Institute for International Affairs Workshop

Jericho
November 8-9, 1997

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EXECUTIVE SUMMARY

On November 8 and 9 1997, NDI hosted a retreat in Jericho for members of the Economics Committee of the Palestinian Legislative Council. The purpose of the retreat was to discuss the legislative, oversight and outreach functions of the committee, and to work with the committee on developing a short-term work plan. This document summarizes the main points of the retreat and includes notes on the discussions.

In March 1997, the start of the Palestinian Legislative Council's (PLC) second legislative session, began meeting in plenary four days every other week, allowing committees to conduct meetings during the off-weeks. At the same time, the Economics Committee became the first (and, to date, only) committee to open its meetings to the public. Committees are significant institutions within the PLC; they meet regularly, the chairs are engaged in the issues, and significant time is spent in the Council meetings addressing committee reports.

The agenda for the retreat was organized to address the following questions:

- What is the role and function of legislative committees in parliaments?
- What are proper parliamentary procedures for committee meetings?
- How are short and long-term committee work plans developed?
- How are public hearings organized?

Several challenges with committee organization that NDI noticed at Economics Committee meetings and consultations with the chairman, were addressed at the retreat, including: the haphazard scheduling of committee meetings, and problems of attendance (sometimes relating to travel restrictions); time wasted on developing and adopting meeting agendas rather then focusing on the substantive issues; a strong committee focus on handling constituent complaints rather than on larger, policy issues; underutilization of committee staff; and the absence of sound parliamentary procedures in committee meetings.

NDI also focused on the role of a committee in the legislative process, such as the review of draft legislation, encouraging public input, and the role of the staff and outside experts in this process. The group spent significant time clarifying the process of draft legislation -- one that is not entirely clear in the Standing Orders, nor followed systematically in practice . The committee developed a realistic short-term work plan on the second day of the retreat. The work plan that was developed for the committee during the retreat included the specific legislation pending committee review and the estimated time entailed for each step of this process.

The retreat also covered how to organize a public hearing, how to set a committee agenda, and how to maintain parliamentary procedures in committee meetings, and how to address attendance issues.

Listed below are NDI's recommendations for enhancing the legislative role of the Economics Committee. These recommendations may also be adopted by the other Council committees.

General recommendations

- In all areas of committee work, staff should be used to their fullest capacity, particularly in the areas of conducting research, communicating with relevant ministries, liaising with relevant non-government organizations, and the media. For this to occur, the administrative structure of the Council must be evaluated, and job descriptions should be provided to Council staff.

- All committee meetings and hearings must be documented, especially all decisions made at these meetings. Good documentation is critical both for the current operation of the Council as well as for historical purposes.

In the area of legislative review

- The jurisdiction of the Council's committees needs to be enhanced, to enable them to play a stronger, more primary role in the legislative review process. Both the premise and policy content of bills should be generated within the committee, guiding legislation from beginning to end.

In relations with the executive (oversight, policy development)

- Committees can develop strong, transparent relations with the Executive by receiving relevant legislation from ministries, and communicating regularly on policy and the budget with the working with the ministries.

- To affect the government's policy direction, more comprehensive information, must be sought by committee members.

- Committees need to strategize (and sometimes compromise) with government ministers.

In encouraging public participation in the policy-making process

- The public needs to know when and how they can be involved in the decision-making process. The public must understand the legislative system and trust its uniformity.

- Committees must be *proactive* in garnering public opinion on legislation.

Evaluation

Members responded very positively to the retreat, as indicated on the written evaluation forms that were completed by participants. In particular, Members appreciated the specific focus on their committee's work and the detailed planning session and calendar that were developed on the second day of the retreat. Members also found the written materials on committee procedures, sample agendas and the role of a committee chairman useful. Many recommended that similar work be undertaken with other committees.

BACKGROUND

This retreat follows previous work undertaken by NDI to support the Council, which included an assessment and report on the first two months of the Council's operations, and a workshop held in May, 1996, on constitutional issues raised in the draft Basic Law. This retreat was part of an 18-month legislative development project funded by the United States Agency for International Development. NDI's program is designed to provide technical assistance on different components of legislative development, including the role of committees, legislative-executive relations, constituency relations, and plenary procedures. These topics were addressed through a series of workshops, materials, and study missions to foreign legislatures, as well as ongoing consultations. Comparative materials were distributed in Arabic to Council members during these workshops, and were also provided in response to specific requests from PLC members.

NDI conducted a workshop on "The Role of Committees" on December 14 -15, 1996, with the chairpersons and rapporteurs of the PLC committees. As committees play a pivotal role in the functioning of any democratic legislature, the PLC members were encouraged by the international panelists at the workshop to make their committee meetings transparent and open to the public. According to the Standing Orders of the Council, PLC committees meet *in camera* unless the committee votes to open their meetings to the public. At the first meeting of the Economics Committee following the workshop, the committee voted to hold open meetings.

This workshop succeeded in helping PLC committee chairmen shift the role of committees. Previously, they were mostly handling constituent complaints (better handled by individual members and constituency offices). Now, committees play a greater role in the legislative process.

NDI staff approached the then- chair of the Economics Committee, Mr. Hikmat Zaid, with a proposal to work with the committee as a pilot project. The goal would be to reinforce ideas raised in the December workshop; namely, the role of a committee in law-making, executive oversight, and encouraging public participation in the policy making process. Specifically, NDI proposed to attend the committee meetings and offer advice and guidance on procedural matters where appropriate. Mr. Zaid welcomed the proposal and in the next committee meeting, committee members concurred with his response [this offer was made to the Economic Committee in accordance with a policy decision by NDI that, unless a committee was open also to Palestinian citizens, NDI staff would not attend].

NDI staff attended many committee meetings as well as a hearing held with businessmen. The Chair and rapporteur changed as a result of elections at the beginning of the second period of the Council. NDI continued consultations with the second chairman, Mr. Fakri Turkman. Ongoing informal consultations with the chairmen, committee clerks and members of other committees also occurred.

NDI's observations of the Economics Committee, as well as reports on how other committees operate, indicate that there are many organizational issues to be addressed regarding committee work:

- Committee meetings were held on a haphazard basis, sometimes due fluctuations in schedule and sometimes due to matters beyond their control such as border closures, which prevent members from traveling between Gaza and the West Bank to attend meetings;

- Significant time during meetings was wasted in discussing and adopting the agenda;

- Time was also wasted in dealing with *individual* complaints from constituents that had no overriding policy implications and therefore should be dealt with at the constituency level;

- Committee members felt that it was their responsibility to research issues, and organize and write reports, a function delegated to staff in other legislatures;

- Members had no experience in making decisions according to standard parliamentary procedures, i.e. through motions and amendments to motions. Consequently, issues would be discussed, a variety of suggestions made, but no decisions were taken and recorded;

- Members were unaware of when and what legislation would be referred to the committee in the coming session, thereby preventing them from allocating committee time efficiently, and completely hindering their capacity to develop short and long-term work plans.

The Committee did endeavor to encourage participation from the business community in the Ramallah area by inviting representatives to comment on a list of issues relating to trade and investment policy. However, it was apparent that none of the Committee Members, committee staff, the staff of the ministries present, nor the business people themselves had experience which would enable them to make the most effective use of this forum. After the hearing, NDI staff consulted with the chair and the clerk of the Committee to offer suggestions on areas for improvement. Both welcomed the advice given and acknowledged that more expertise was required to make such hearings more fruitful in the future.

NDI suggested to Chairman Turkman that NDI organize a "retreat" with the Committee members in an informal, focused setting to discuss how to improve the efficiency of committee

meetings. The agenda of the two-day session would include parliamentary procedures for committee meetings; methods of interacting with the executive; organizing public hearings; and developing short-and-long term work plans for the committee's legislative and oversight responsibilities.

This suggestion was adopted by the committee and NDI conducted the "retreat" as proposed. Seven of the nine members of the committee attended, as well as one of the two committee clerks. The program was led by and the discussion moderated by PLC program director, Myrna Phillips, former speaker of the Manitoba Legislature.

CONCLUSION

The two-day retreat with the Economics Committee afforded the unique opportunity for the members to discuss among themselves and with NDI staff a variety of issues specific to their committee, and to the development of PLC committees in general. The retreat discussions reviewed the various roles of the committee (legislative, oversight, and relations with the public), how to conduct parliamentary meetings using a solid agenda, how to effectively use committee staff and outside resources, and the steps needed to organize a committee hearing. Finally, a short-term work plan of the committee was developed, an exercise which enabled committee members to visualize and map out their priorities for the coming months, with the overall goal of planning the work of the committee more effectively.

Based on the positive response from members who attended the retreat, NDI recommends that similar work be undertaken with the rest of the PLC committees. Several key issues, including the effective utilization of committee staff; enhancing relations with the public through mechanisms including legislative hearings; and a clearer role of every committee in the legislative review process, are specific areas in which future assistance programs can be directed to enable PLC committees to improve their work in the long-term.

WORKSHOP DISCUSSIONS

Overview of Legislative Committees in Parliament[1]

NDI program director, Mryna Philips, former Speaker of the Manitoba Legislature, presented roles committees play in legislative systems. The U.S. model, where (standing) committees are very strong, even the "backbone of the system," was compared to the Canadian model, where there are sessional rather than permanent committees. While the former model gives committees a prominent decision-making role, the latter leaves more power with the government. Committees in the presidential system have both legislative and oversight responsibilities, while committees in a Westminster (parliamentary) system have primarily a legislative responsibility.

B. Committee's role in the legislative process

NDI asked Council members how they interpreted the legislative process, as the process outlined in the PLC's Standing Orders are rather vague. One member mentioned that most of the legislation is handed down from the Executive, then to the Council, then to the [relevant] committee. Draft legislation is then reviewed by the Legal Committee. Another member clarified that there will be a plenary discussion of the bill's principles before it is sent to committee. This discussion, known as a "zero reading" is different from a first reading of a bill.

Committee members see a bill before the general discussion (first reading). This is the first window of opportunity to present the bill to the public in hearings and consultations. This can also occur between the first and second readings of a bill.

Members noted that the majority of legislative review occurs in the plenary, and it would be more efficient to increase the jurisdiction of the committees to review legislation before the first reading. A member of the Economics Committee who also chairs another committee noted that on some bills that his committee reviews, a note will be attached with [committee] comments before the first reading.

The PLC Legal Committee plays a role in all legislation. Several Members noted the conflict between the Legal Committee and the Legal Department of the Council regarding their respective roles.[2] Members suggested that a way to address this would be for the Legal

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[1] The following report summarizes the deliberations of the Economics Retreat Committee. It is reconstructed from notes but these are not a verbatim account of the proceedings.

[2] According to the Council's Standing Orders (Article 63), "The Speaker shall refer any such [draft] law to the relevant committee." In many instances, this is deemed to be the Legal Committee. Even if a bill is sent to another committee first, it is later sent to the Legal Committee whose members review the language of the bill for

Department to review incoming legislation, while the Legal Committee could focus on the task of unifying the various codes of law (e.g. Jordanian, Egyptian) that exist in the West Bank and Gaza.

Phillips suggested that one way the Economics Committee could strengthen its role is by conducting hearings, researching economic policy issues, and then checking with the Legal Department on the legality of the concept and wording of the bill. The important point, however, is that the premise and policy of bills be generated by the committee, which then guides the legislation through the process from beginning to end. It is critical to establish a specified flow for legislation, not only so that consistency between committees is ensured, but even more importantly so that the public can be involved in the decision-making process. The public must be able to recognize the system and trust its uniformity.

The Reviewing Process for Draft Legislation

Members are offered this outline of the Committee's role if a law is passed down from the Executive to the Council, and is referred to the Economics Committee:

1. The committee organizes public hearings if it deems that the law warrants public debate.
2. Collects the positions of interest groups.
3. Asks committee staff to research the issue independently. If research staff do not exist, ask local experts. Collects as much information during the preliminary stage as possible, before decisions are made.
4. Sends bill to the Council plenary for preliminary discussion; then plenary accepts or rejects.
5. Gives bill to the speaker (or Council Affairs Committee) to put on the agenda for first reading.

The first reading of a bill entails reviewing the original version of the bill, the committee report, and suggested amendments (both from the committee and from the floor).
During first reading, bills are read line by line, and articles are voted on individually. After the first reading, a bill will go back to committee. At the same time, the draft should be discussed publicly, and published in the newspaper. Those who are interested can ask for copies of the legislation.[3] There is a period of two-weeks to one month, during which Council members and the public can submit amendments for consideration in the second reading. At this point, the committee will often invite experts to testify before the committee and will organize public hearings. The amendments, based on interaction with the public (e.g. policy "workshops") are

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legality. At the same time however, the Council has established legal departments in Ramallah and Gaza, staffed by lawyers whose mandate is the drafting and review of legislation. As a result of this overlap, tensions have developed between the Committee and the Department, and the Committee still conducts the majority of legislative review. Members at the retreat voiced support for limiting the role of the Legal Committee in this regard, and handing over more authority to the staff of the Legal Departments.

[3]In practice, it is very difficult for members of the public to obtain copies of draft legislation. It is not clear which members] of the Council staff is responsible for this task.

written and oral form, and often several [contradictory] amendments are before plenary at the same time. Moreover, individual amendments are sometimes confused with committee amendments. There is often confusion as to how amendments are prioritized (committee versus individual member amendments).

Phillips reiterated that if a bill is accepted in general, then it is the property of the Council. This means that amendments should not change the principle of the bill, they should only improve or strengthen the bill. Another important point is that a quorum must be verified before any vote, including votes on amendments.

Overall, every amendment must be handled in the same way. Every amendment should be moved, seconded, discussed, then voted on.

C. The Committee's Role in Conducting Oversight of the Executive

If a committee finds suspects a violation of any law by the executive, their role in providing oversight would be to ask the Executive to conduct an official investigation, and report back to the Council. In Canada, for example, the minister is ultimately responsible, so it is his or her duty to report back to the parliament on his or her findings. If the minister, however, is guilty of wrongdoing, it is customary that s/he should resign. There is a difference between a minister violating the law and making a bad decision. If ministers are suspected of a criminal act, they should not be immune from criminal charges.

The oversight role in PLC committees, however, is much larger. The first component relates to monitoring Executive policy and implementation. The second relates to the budget -- how departments are spending money (either too much or not enough), and lobbying the government for new programs.

In order to start monitoring the executive branch, committees must discuss the resources they have at their disposal to conduct oversight. The Economics Committee could have sub-committees to conduct oversight, track legislation, and work on policy development. These sub-committees could report back on their progress to the committee as a whole.

Members emphasized that the Executive also needs to play a role in articulating clear policies to the Committee. It is often very difficult to get clear information from the Executive, and to know which laws to draft. Ministers currently have more resources than the committees to develop policy.

Phillips suggested a process for coordinating more effectively with the Executive, which would entail the following components:

1. Receive policy information from ministers regularly
2. Receive relevant legislation from the ministries

attached to the original bill and discussed by the Council as a whole.

Between the first and second readings, the Committee meets to discuss all of these written suggestions (amendments) on specific articles, wording, and it is the committee's task to synthesize the suggestions into the bill. If members agree to the bill as amended, it will be put forth for second reading.[4]

During the second reading, only amendments (from the public or MPs, and presented after the first reading) are discussed. Members will have copies of the original and amended (committee) versions.

Clearly, there are still problems with transfer of information within the PLC, and about the work of the Council and its committees to the public. It is important to know at which stage the public needs to have input, and the way the public know when this can occur.

Members noted that for some pieces of legislation, there is minimal interest on the part of the public. Nonetheless, it is important for the committee to be proactive in garnering public opinions. On some issues, formal "outreach" is not necessary because there is so much public interest already. Members seemed to feel that there is not a strong need for outreach; rather, that citizens tend to come forward concerning issues in which they are interested.

One of the major challenges faced by the PLC is that once laws are passed by the Council, there is no clear time-frame for executive review and approval. One member noted that the executive has a period of one month to review legislation. Another member noted that the speaker often waits up to two weeks before sending it to the executive, which lengthens the process. The President should accept or reject [veto] the bill, or come back with amendments.

Members also noted, in fact, that bills are often "lost" after the first or second readings (e.g. not put on the agenda again). Phillips pointed out that it is important to clarify that once a bill is introduced in the Council, it is the property of the Council, and can only be stopped by a majority decree.

Moreover, there is frustration that legislation (e.g. the Basic Law), is often delayed for political reasons. To counter this, members must strategize on whether it is (politically) wise to wait or push through a certain piece of legislation. Moreover, the committee as a whole needs to strategize (and sometimes compromise) with government ministers.

Amending Legislation

The process of considering amendments is often confusing, as amendments are both

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[4]In theory, the Council can reject a bill after first reading, but this has never been done in practice -- the vote taken after the first reading of any bill has always passed.

3. Work with the ministries to develop and approve policy
4. Discuss the budget with the ministers

Members of the PLC have the right to ask the Executive for information. It would be useful for the Committee to identify the specific departments with which the committee wants to work. The committee must be well-organized in its dealings with the Executive. For example, if a minister/other governmental official is asked to testify or speak at a committee meeting, a clear agenda for the meeting should be set, background research on the issue should be conducted in advance and the results given to each member before the minister is invited.

Phillips stressed that the Economics Committee target one ministry and exercise their oversight role on it.

D. Role of the Committee in Policy Development

The first step in making policy is identifying issues that require legal solutions. Issues that the economic committee might consider would include working conditions, factory closings, unemployment or foreign investment. Most often, the committee would address the problem based on the number of constituent complaints. If the economic committee received 100 complaints about how economic development policies were affecting small farmers, this might mean that the committee would review the policy. (See below for a discussion of the handling of constituent complaints).

The Committee would then gather information on the issue. In this respect the role of the committee staff is crucial; they should research the problem and provide options for resolving it. Generally, their report would list options for a certain policy, who benefits from each option and what is the impact on different groups of each option. That report, known in Canada as a White Paper, or policy paper, is distributed to members of the committee and the public before discussion so that all members are informed. If there is no staff, the committee could engage consultants or ask academics to volunteer their time towards researching the issue. In either case, information is vital to the ability of the committee to affect policy.

Finally the committee would hold a hearing on the policy. The people who complained can describe their problem and the committee could then discuss the different policy options. The committee would then make a recommendation to the plenary or the government.

One member divided the issue of dealing with constituency complaints into three components: the nature of complaints, the process for discussing the complaints and how to achieve a resolution to the issue. There are four typical outcomes to a complaint (1) financial, (2) enforcement of existing policy, (3) new law or amendment, and (4) no need for action.

One member expressed a concern that the Economics Committee has faced difficulty because the economic policy of the Executive is not clear, and there is not a clear delineation

between different sectors of the economy. While the overall policy is general, the Committee has had to face many specific problems put forth by citizens such as farmers. Another member suggested that the uncertainty in government policy can be seen as an opportunity for the Committee. Council members can take the initiative and help the government determine policy.

E. Practical Issues: Agenda Setting, Parliamentary Procedures in Committee Meetings

This discussion began with an overview of what should be included in any agenda (see appendix):

1. Call to Order
2. Roll Call: (This is done by the chairman. A quorum must exist.)
3. Minutes: (Review from the last session, ask if there are any errors or omission. If so, correct the written record. These minutes become official documents of the Council.)
4. Officers' Reports: (The chairman reports on activities since the last meeting.)
5. Committee Reports: (These include sub-committee reports.)
6. Special Orders: (These take priority over other matters.)
7. Unfinished Business
8. New Business
9. Announcements: (These might include an invitation to a community event.)
10. Adjournment: (The chairman asks for a motion to adjourn and a seconder. There is an immediate vote (no debate) on this, which must be carried by the majority. Before adjournment, it is important to set the time and place for the next meeting.)

The discussion moved then to committee meeting agendas. There are several important characteristics of a committee agenda. First, each item on the agenda has a number, which includes the year that it was presented in the committee. This number stays with the item forever, which makes tracking and follow-up easy. Members keep binders with tabs.

The agenda also assists the committee in its decision-making process. The agenda includes attendance, minutes and new and old issues (legislation, policy, complaints). There should be a motion to adopt minutes of the previous meeting, which is seconded and carried. Any decision the committee takes is included in the minutes. It shows that issues were decided in a procedurally-correct manner, and that agreement was reached on the part of the committee. If a committee has six pieces of legislation to deal with in one committee meeting, there should be an update on each, separately. If action is required, the chairperson gets involved (e.g. talking to the Council Affairs Committee to ensure that the legislation is scheduled for the plenary). This would be reported on in the next meeting.

Members commented that this process is already occurring in the PLC to a certain extent, but that it varies between committees. One member noted that the filing system is improving, particularly in terms of tracking complaints, but there is a need for more extensive staff training.

Phillips noted the importance of good documentation, not just in terms of the current operations of the Council, but for historical purposes as well.

One of the committee clerks explained how the minutes are prepared. The agenda is prepared by the chairman of the committee. During the meeting, the clerk takes notes on all the items on the agenda, as well as the time, place of the meeting, and how many people attended. After the meeting, the minutes are given to the chairman and rapporteur for their review.

Many committee clerks have ideas about how to improve the work of the committees, but in the absence of a clear administrative structure of the work of the Council staff is difficult.

It is also important for the media to be a vehicle to convey information about the legislature to the public. In many newspapers there is a listing of all of the daily meetings that will occur in the legislature, including committee hearings, and their time and place (so that interested members of the public can attend).

F. Role of Committee Staff

Compared to other legislatures, the PLC is relatively understaffed in terms of committees. All Council committees have two committee clerks (one in Ramallah, one in Gaza). The Economics Committee also employs several economic consultants.

The Economics Committee has two talented clerks, but they are not utilized for their research and analytical ability. If, for example, the committee is discussing a policy issue, the staff could write a background paper which would outline the options for the committee. While the members of the committee would still be the decision-makers, they would have information and options provided by their staff on which to base their decisions. Members noted that they already ask for advice outside of the Council. The utilization of resources within the Council, however, is equally important.

Another way that staff can be utilized more effectively when the committee is considering amendments to legislation is for the staff to review the amendments and papers sent by NOGS, and other outside groups, and conduct a preliminary analysis. Another role of staff in legislatures is to interact with the media (i.e. to make sure that the law will be published, and notice of public meetings given). This is a job for the committee staff, *not* the public relations department of the Council (although they can work together).

Another area in which the staff can be helpful is coordinating between the committee and the relevant ministry. In addition, staff can coordinate and communicate with other committee staff, particularly where there is issue overlap, and also in terms of coordinating with NOGS and the public. Delegating some of this responsibility from the members to the staff, would both save members time, as well as enable members to make better, more informed decisions.

Members suggested that a top priority of the newly-established Council Affairs Committee should be to develop a clear mandate for its staff to perform the functions mentioned above.[5]

G. Parliamentary Procedure for Committee Reports

This discussion focused on the role of committee members during plenary deliberations on a committee report. Phillips asked why members of the committee, other than the chairman, are prevented from speaking during a session. The members clarified that it is the role of the chairman to discuss the report and present the views of the committee as a whole during the plenary, but that he or she can also allow another member to speak in his place.

An important issue is majority versus minority decisions within the committee, having committee consensus on the report. Members differed on whether it is acceptable to have dissenting opinion within the committee. While some maintained that it is important for members to clearly support the position of the committee chairman, others argued that it is important for the legislative process to reflect dissenting opinions.

If the first reading of a bill is passed by the Council, the Committee is then responsible for it. Between first and second reading, the committee takes the draft bill, with suggestions, and has one month to prepare amendments, and incorporate suggestions raised in the plenary.

It is appropriate for the Legal Committee to play a role in issuing legal opinion, i.e., whether the wording of a certain amendment conforms with the law. They should *not* issue an opinion on whether the amendment is good or bad. If this does not work in practice, then the Standing Orders could be amended to clarify that the Legal Committee handles judicial affairs, and legal — not policy — advice on legislation. It is important for the Economics Committee, and other committees, to have decision-making authority in their relevant areas of expertise and jurisdiction.

H. Attendance and Quorums

Currently, the quorum is taken on the Monday morning of a three- to four-day session, but is not verified later in the week. This means that votes later in the week are often taken in the absence of a majority. According to the Standing Orders, however, a quorum must be maintained in order for any meeting to continue. It is up to members to monitor this, and to call a point of order if the quorum does not exist.

The problem with attendance, noted another member, is exacerbated by the lack of political

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[5]The Council Affairs Committee was established in October, 1997, to handle the overall administrative and organizational issues of the Council, including the setting of the short and long term agendas for the Council, the scheduling of legislation, committee reports., etc. Representatives from all eleven committees, as well as the Office of the Council, are members of this committee.

party discipline. It might only be the relevant committee which cares about a certain law. In addition, many members have other business, or work for the Palestinian Authority as consultants, and have no time for legislation.

It is important for members to recognize that their primary responsibility is to the legislature. As the media gets more actively involved, it may report on members not attending sessions. In Canada, for example, if the press reports that the legislature adjourned because of a lack of quorum, the public would be outraged. This happens rarely, because there is so much public pressure to attend. There are also rules sanctioning pay cuts for members who do not attend.

In terms of confronting the problem of attendance, Phillips suggested that Council members find ways to gain public attention (either through the media or otherwise). Also, members might want to consider amendments to the Council's Standing Orders that will be punitive toward absent members.

I. Committee Expenditures

While the Council's Standing Orders calls for each committee to have a specific operating budget, this is not done in practice. As a result, it is extremely difficult for a committee to track expenditures. Members noted that obtaining money for committee expenses (e.g. hiring experts for consultation on a law) is not difficult, as this is counted under general "Council expenses." However, this lack of a formal budget for Council committees hinders effective long-term planning of the committee work.

J. Implementing the Plan: Organizing Committee Hearings and Scheduling the Work of the Committee

Phillips began with a broad outline of what should be included in a committee hearing and how it should be organized. Having attended one of the Committee's hearings earlier in the year, Phillips put forth several suggestions as to how the committee can enhance the efficiency of this activity.

Important considerations for organizing an effective committee hearing:

1. Avoid a topic that is too broad; rather, focus on one piece of legislation, and have targeted questions prepared.

2. Before the hearing, make sure that the invited guests have received all the necessary information (i.e. copies of the law, policy paper).

3. As committee hearings are a powerful legislative tool, make sure they are conducted in a formal manner. Seating arrangements, microphones, etc., are very important.

4. All proceedings should be recorded, because this is an important part of the legislative process.

5. Before the hearing begins, make sure that there is someone greeting the invited guests at the door (either the committee chairman or a member of the staff), to give them any materials and show them to their seats.

6. Make sure that the room is large enough and comfortable (e.g. heat, air conditioning).

7. The committee chairman should welcome the guests and give a brief outline of the purpose of the hearing and the procedure (rules) they will be following.

8. The format should allow guests to make presentations, and then for the committee to respond. Committee members should not argue with the guests.

9. It is critical that the guests feel that their opinions are important.

10. This type of hearing represents a forum legislators to hear from the public. A public meeting is different from a ministerial hearing. There should NOT be any members of a ministry (e.g. staff), participating in the hearing, lest they dominate discussion.

There was a suggestion that the process for hearings should be included in the Standing Orders, so that this process is not only institutionalized, but well understood by the members. Also, there should be announcements in the newspapers about public hearings.

K. Scheduling the Committee's Work

Members of the Committee identified the items of legislation on which they were currently working, or expect during the remainder of the session. These include (as of November 8, 1997):

	Name of Draft Legislation	Status
1.	Gold Stamp Law	Just passed down from the Executive. The Council will have general discussion soon.
2.	Investment Law	The Ministry of Commerce sent the bill to the cabinet. The Council has not received it.
3.	Companies Law	Same as Investment Law.
4.	Local Development Banks Law	Currently being reviewed by the Economics and Budget Committees.

5. Petroleum Commission Law Will soon begin second reading in the PLC.

Given these priorities, the session was devoted to developing a work plan and agenda for the Committee's work over the next several months.

Stages of legislation :

1. Committee Review
2. Public Hearings
3. Committee Report and Recommendations
4. To the Speaker (or Council Affairs Committee) for scheduling
5. To the Council for preliminary discussion
6. Returned to the Economics Committee
7. Review of amendments by Legal Committee
8. To the Speaker for scheduling (first reading)
9. First Reading in the plenary
10. Back to the Economics Committee (two weeks to one month) to receive and review amendments
11. To the Speaker for scheduling (second reading)
12. Second reading in the plenary
13. Bill sent to the Cabinet after two weeks
14. President signs the bill or requests a third reading within one month
15. If third reading, back to the Economics Committee for study
16. To the Speaker for scheduling
17. Third reading in the Council

Given these stages, and the legislation identified as the Committee's work over the next several months, the discussion then turned to how the committee can plan for the next several months of work. As the Council is expected to recess in February, a short-term plan was developed.

On the draft legislation just received from the Executive, the committee must determine whether committee hearings are needed. They also must determine how much time they need to review the legislation before it is sent to the Speaker (or Council Affairs Committee)? Then the committee must monitor the bill closely to make sure it is put on the agenda.

The Economics Committee must prioritize and figure out ahead of time which bills will take the longest and require the most hearing. These are issues on which your committee must decide.

In addition to prioritizing legislation; whether the committee must decide which members will focus on which legislation? The chairman be involved with how many hearings will be conducted for each bill, and how much outreach will be needed.

All of the decisions need to be made by the committee as a whole. At committee meetings, it should be decided who will focus on what, and then members can report back at the next committee meeting.

It is expected that other laws will be passed down to the committee over the next several months, the committee needs to build this into its time line. Moreover, the Office of the Council should have a running time line for all legislation.

Dual tracking should be an important component of the committee's work; namely, if there will be a delay after the first reading of a bill, work on another law can begin. Work must continue on different items at the same time.

APPENDIX G: LEGISLATIVE MATERIALS TRANSLATED INTO ARABIC BY NDI FOR THE PLC

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Materials Translated into Arabic for NDI's Project with the Palestinian Legislative Council

Committees

- *Committees in Legislatures: A Division of Labor*, NDI
- *A Chairman's Guide to Effective Committee Management*, National Conference of State Legislatures
- "The Art of Chairing a Meeting," Marvin A. Harder
- *Conducting Committee Hearings: A Guide for Preparation and Procedure* (excerpts), Richard C. Saens
- Excerpts from "Anatomy of a Hearing," League of Women Voters

Plenary Procedures

- *Presiding Officers: Speakers and Presidents of Legislatures*, NDI
- *Bill Summary*, Parliament of Namibia
- From Legislative Assembly of Manitoba:
  - *Agenda*, Standing Committee on the Rules of the House, Manitoba Legislative Assembly
  - *Order Paper*
  - *Votes and Proceedings*
  - *Hansard, Debates and Proceedings*
  - *Hansard, Standing Committee on Law Amendments*
  - *Outline of Procedures* (includes glossary of parliamentary terminology)
- "Parliamentary Procedure," AFL-CIO
- Excerpts from "How To Run A Union Meeting, AFL-CIO
- *Robert's Rules of Order*, printed on Arabic "wheel" for easy-reference
-

Constituency Relations

- *Constituency Outreach: Creating Channels of Access*, NDI/South Africa
- *Constituency Office Resource Manual*, National Democratic Party (Canada)

NDI workshop reports

- *The Role of Committees in Law-Making and Executive Oversight*
- *Organization of the Plenary: Balancing Democracy and Efficiency*
- *Legislative-Executive Relations: Governing in Partnership*
- *Constituency Relations: A Two-Way Street*
- *Study Missions to the Hungarian and Georgian Parliaments*

APPENDIX H: MEDIA CLIPS

Oct. 3, 1997

PLC to investigate government corruption charges

by Husam Izzeddin

THE Palestinian Legislative Council (PLC) has formed a special committee to investigate reports of corruption inside government agencies.

"The objective is to investigate reports on shortcomings in the performance of PNA institutions and to decide who it was on whom responsibility devolved and to turn them over to the courts," said PLC speaker Ahmad Qrei' in Ramallah on Sunday.

Qrei' said the decision to form a committee was taken in Gaza following a meeting Saturday between President Yasser Arafat and the Fateh members who are also members of the PLC.

The committee will consist of the Minister of Justice, the Attorney General, and "competent individuals to be assigned by President Arafat," Qrei' said.

According to Qrei', Arafat and Fateh PLC members met Saturday to discuss "the internal situation and changes in government."

Qrei' noted that the sides had agreed that it was necessary for changes in government to be made within a short period.

Back in July, the PLC Committee on the State Comptroller's Report had recommended that changes in government be made within a period not to exceed the first of October after it established that $326m in public funds had been embezzled by various government institutions.

In response to the criticism levelled at them by the PLC, all 16 PNA ministers said they would leave it up to President Arafat to decide whether to accept their resignations.

On Tuesday, Gaza delegate Haidar Abdel Shafi resigned in protest of the failure of the PLC to implement its decisions concerning the government.

Abdel Shafi led the Palestine Peace Delegation to the Madrid Peace Conference of 1991.

الحياة الجديدة

الصفحة (٥) الاثنين ١٩٩٧/٥/٥

ورشة عمل بغزة حول تطوير أداء التشريعي

غزة- الحياة الجديدة- استضاف المجلس التشريعي في مقره بغزة امس ورشة عمل اشرفت على ادارتها ميرنا فيلبس مديرة برنامج دعم المجلس التشريعي في مؤسسة NDI التي تعمل على تطوير اداء المجلس والحياة البرلمانية في فلسطين.

وقال المكتب الصحفي بالمجلس ان هذه الورشة التي حضرها عدد من النواب تناولت كيفية اعداد جدول الاعمال للقضايا الطارئة وطبيعة عمل لجنة شؤون المجلس التي استحدثها المجلس مؤخرا.

كما ناقشت الورشة كيفية اقرار جدول اعمال المجلس في اقصر مدة ممكنة وطبيعة عقد جلساته.

وقد عبر النواب عن ارتياحهم ورضاهم من ورشة العمل وطالبوا المؤسسة بعمل دراسات مكتملة وتصورات حول طبيعة عمل البرلمانات المختلفة وتزويد اعضاء المجلس بها.

A workshop in Gaza about improving the PLC performance

The PLC hosted in the Council residence in Gaza a workshop. The workshop was moderated by Myrna Philips, director of assisting the PLC program of NDI. The program is aimed to improve the PLC performance, and assisting the parliamentary life in Palestine.

The PLC press office announced that some PLC members who attended the workshop discussed, how to prepare the agenda of urgent matters, the responsibilities of the Council Affairs Committee that was established recently. They also discussed how to approve the Council agenda quickly.

Members showed their satisfaction from the workshop, and called NDI to have a completed study about the subject, conceptions about the different parliaments work, and to provide the members with these materials.

Monday, May 5, 1997
Al Hayyat Al Jadeda, page 5

Jerusalem Post Friday Jan 17, 1997

ron yesterday. (Reuter)

PA councilors decry lack of debate

By JON IMMANUEL

While the Knesset was furiously debating the Hebron protocol yesterday morning, members of the Palestinian Authority Legislative Council were furiously demanding to know why no representative of the PA's executive had come to Ramallah to address them.

Several members walked out of the meeting in protest before Saeb Erekat, the chief PA negotiator and a member of the council, hurried over to give them copies of the protocol in English. There was no official Arabic translation for those who did not understand English.

The Oslo Accords give the 88-member council no jurisdiction to approve or disapprove agreements between Israel and the PA, but some of the councilors said that, since they are the elected representatives of the people, they should be treated with the respect the people deserve.

"It is more than lack of communication. The council should have been informed, but it was not. The council ought to know what takes place," said Ziad Abu Amr, a Gaza independent who walked out first, followed by Dr. Haidar Abdel-Shafi and others.

A recent poll of the Palestinian Center for Research and Studies asked 1,307 Palestinians whether they had any contact with their representatives directly, by mail, or by telephone, and 91.5 percent said no. Only 10.7% evaluated the councilors' performance as "very good." The PA executive (19%), the police (28%), and Arafat himself (40%) all got better marks.

An earlier vote in Gaza by the Palestinian leadership – about 50 members of the cabinet, council, and PLO executive – was considered representative enough. Council member Abdel-Jawad Salah, who considers himself in the democratic opposition despite being the agriculture minister, was one of the few who did oppose it in Gaza on Wednesday.

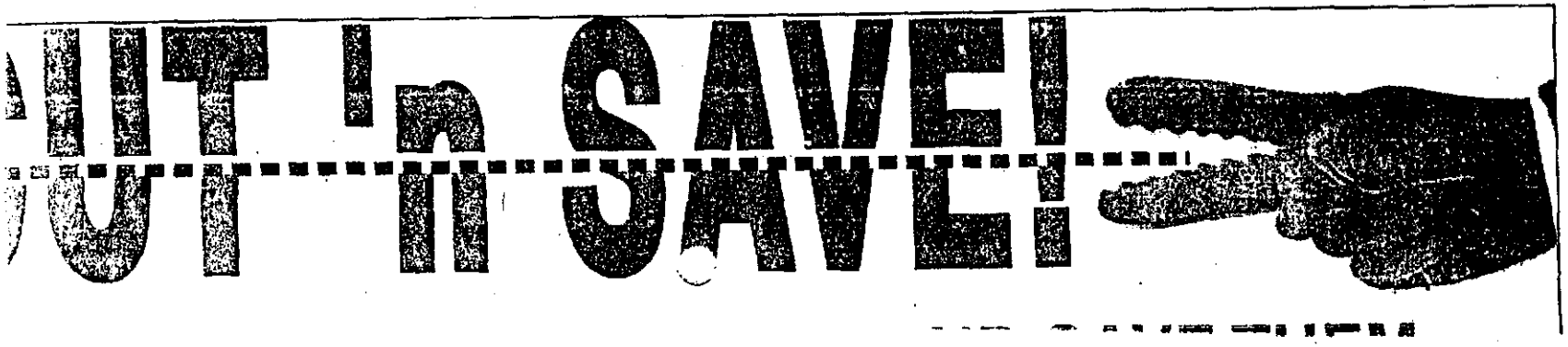
He told the Voice of Palestine yesterday, "Hebron was partitioned, the Israelis are in charge of civilian and administrative affairs (in H-2). There is recognition that the Ibrahimye Mosque [Tomb of the Patriarchs] is Jewish."

Hebron was not the only issue on which the council felt bypassed. The PA, yet to allow the council to ratify a constitution, apologized for a third time for not submitting its budget as required under the unratified constitution.

Salah Taamari, another popular democratic opposition member, suggested a vote of no-confidence in the finance minister. Nobody knows if it passed and nobody thought it mattered if it did.

Some of those most opposed to the Hebron agreement precisely because it was imposed by superior force see Israel as a shining light in the more important matter of democratic procedures.

"People are impressed by Israeli democracy, especially when it comes to transparency and accountability," Abu Amr said.



MEMO
TO: MYRNA, LAURA, REEMA
FROM: BASSAM
SUBJECT: PLC RECEIVED THE GENERAL BUDGET BILL
DATE: March 18, 1997

Al Ayyam daily newspaper
March 17, Page 2
Fayez Abu Aon

Nashashibi submits the Bill of the General Budget to the Budget Committee of the PLC

Yesterday, during the meeting with Dr. Sa'di Al Krunz and the members of the Budget and Finance Affairs Committee, Mr. Mohammed Zohdi Al Nashashibi, Minister of finance submitted the bill of the General Budget. The meeting took place in the council residence in Gaza.

The Minister Nashashibi clarify during the meeting that, Externally circumstances cause the late of time in the process of submitting the Budget to the PLC. The Council and our Ministry are interested to have the Budget as it has to be, because we are partners in approving that Budget.

Krunz considered the step of the Finance Ministry as the start of new subjective relation between the Executive and Legislative Authorities. Having the Bill of the Budget will allow the Council to discuss the different matters related to finance issues of the ministries and institutions of the PNA. He mentioned that the Committee had a first reading of the Bill, and it will have a second reading in the Committee meeting in Ramallah today.

The Budget report consists of 12 articles, the first chapter about the Revenues and expenses of the PNA. Second chapter about Maintenance, Development expenses, the deficit and the finance development expenses funded from the countries.
Chapter of Revenues is based on incomes, the Value Addend Tax-V.A.T- and Property tax, while expenses consist of salaries of the government employees, and the regular finance employment expenses.

The issue of the Budget was one of the most arguments' debates in the PLC. The Council asked the government in more than one Session, in the last Session in Ramallah, PLC gave the Government a respite of two weeks to submit the Budget Bill.

THE JERUSALEM TIMES
March 13, 1998

PLC: 2 years of achievement

Parliamentary Report

Nedal Abdulsalam

A VERY high voter turnout set out two years ago to cast their votes in Palestinian ballot boxes. These voters had high hopes. Although not disappointed, the Palestinian electorate today feel that progress is relatively slow, and they are hoping for more noticeable and tangible changes. Yet the average man on the street in the West Bank or Gaza Strip is now beginning to see that the PLC is not a part of the "Authority," and is truly separate from the Executive.

With the beginning of the third term of the PLC, only now are the electorate, and even the members themselves, beginning to grasp the significance of this embryonic democracy. The PLC members themselves have begun to act like a parliament. They are speaking about long term needs, priorities and calling for reform.

The Legislative Council itself has begun the arduous task of trying to build a democratic civil society. It currently has 35 pieces of legislation in various forms of completion. During its Second Term the Legislative Council held 29 regular sessions and three special sessions.

While this is not monumental, it is a fair beginning when one remembers that the situation inherited by the Palestinian Authority was one of 29 years of total neglect, with legislation from four different countries and periods: Turkey, British Mandate, Jordan (West Bank), Egypt (Gaza Strip) and a number of Israeli Military Orders. Merely uniting the laws between the West Bank and Gaza Strip alone is a massive undertaking.

With all of this in mind, and only a vague idea where to begin the PLC has started the massive struggle to try to build a nation from the ground up with very little in the way of money or experience. The various committees of the PLC have held 260 meetings, issued 72 reports and 92 resolutions.

The PLC has also had the role of monitoring and overseeing the actions of the PNA. This task was begun in the very first debate, the approval of the 1997 General Budget. Furthermore, the report and debate on corruption in the Authority was held in an open session with a media presence and a full visitors gallery. Finally, and perhaps most importantly, 183 questions were directed at ministers and officials of the PA on the operations of their governmental agencies and the services provided to the Palestinian people - this has become a regular item on the agenda during each session.

Opinion/Essays

Monday February 10, 1997

Turning PLO Activists Into Voices of the People

James M. Shannon

Despite limited authority and meager legislative results the Palestinian Legislative Council has emerged as (a) the best gauge of Palestinian sentiment in the Gaza Strip, the West Bank, and East Jerusalem and (b) the likely source of future Palestinian leadership.

I recently participated in a conference in the Gaza Strip to discuss the council's future. The 88-member body is a product of the interim agreement between Israel and the Palestine Liberation Organization (PLO). It was organized last March after elections whose first anniversary was marked Jan. 20.

A year ago many observers hoped the council might be the first step in establishing democratic self-government for the Palestinian people and the first real democratic legislative body in the Arab world. With the peace process slowed by the Netanyahu government's ambivalence, those hopes are much dimmer today.

Joining in the Gaza Strip conference, sponsored by the National Democratic Institute for International Affairs, were about two dozen council members, including most of the committee chairs. Most are longtime PLO activists, but they now find themselves in the role of any state legislator or city councilor. Their constituents want them to deliver and expect them to find a way to improve the intolerable living conditions most Palestinians in the occupied territories must endure.

A visit to the Jabalya refugee camp in the Gaza Strip shows starkly the difficulties faced by the council. The camp is a permanent home for more than 60,000 refugees who live in squalor and dream of the day they will live in their own homes in an independent Palestinian state. An incident between Palestinians and Israeli troops in Jabalya in 1987 sparked the intifadah (uprising). This same volatile mix of political aspiration and economic deprivation could blow up the peace process now.

The problem faced by the council is that Yasser Arafat and the PLO have never shown any particular interest in establishing a democracy, and to most Palestinians the creation of an independent state, even an autocratic one, supersedes all other goals. This puts council members in the impossible position of having a mandate with no authority to fulfill it. But even without clear authority, the Palestinian Legislative Council is forming the base for the development of a political system for the Palestinians' future.

First, the council provides a forum for the Palestinian people of the occupied territories, through their representatives, to present their views to Mr. Arafat and the Palestinian Authority. For instance, the council, responding to constituent pressure, has confronted the authority's efforts to stifle the extremist group, Hamas, and other critics of the peace agreement.

Arafat chafes under this criticism, and his dealings with the council have been, to put it mildly, strained. Several times members' questions have led to Arafat's erupting angrily and, on occasion, storming out of meetings. But he has always come back, afraid that ignoring the elected representatives of his people

would be reckless as he tries to maintain control and negotiate the best deal with Israel that he can.

Second, the council offers an opportunity for the Palestinian leadership from the West Bank and Gaza to meet and plan. An Oslo peace agreement provision, which Israel has so far not fulfilled, calls for the establishment of a "safe passage" connecting the Gaza Strip and the West Bank. For the time being, the two regions are still largely isolated from each other. But Israel has reluctantly allowed council members to travel back and forth between Gaza and the West Bank, making it easier for them to plan for what they hope will be a future Palestinian state.

Perhaps most.important, the council is the place where the next generation of Palestinian leadership could emerge. Several of the council members are young, and they honed their political skills in Israeli prisons during the intifadah. Ironically, part of this education came through watching sessions of Israel's Knesset (parliament) on television while behind bars. As one council member said to me: "What we really need to do is plan for the time after Arafat. He's been doing things his way for 30 years. He's not going to change."

The Palestinian Legislative Council is already playing a vital role in shaping the region's future. Though nobody knows how far this experiment in self-government will go or if it will lead to a true democracy, the council's role is one that anyone who has a stake in peace in the Middle East cannot afford to ignore.

* James M. Shannon served in the US House of Representatives from 1979 to 1985 and was attorney general of Massachusetts from 1987 to 1991.

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Features | The Home Forum | Opinion/Essays | Editorials

Home

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The Palestinian Legislative Council: Theory and practice

The Palestinian Legislative Council (PLC) entered its third term last week. The Jerusalem Times *takes this opportunity to look at the PLC in a two-part series. The first part is a description of the structure, procedures and membership of the Council. Next week, the series will address the activities of the PLC on its second anniversary.* **Suzanne Ruggi reports.**

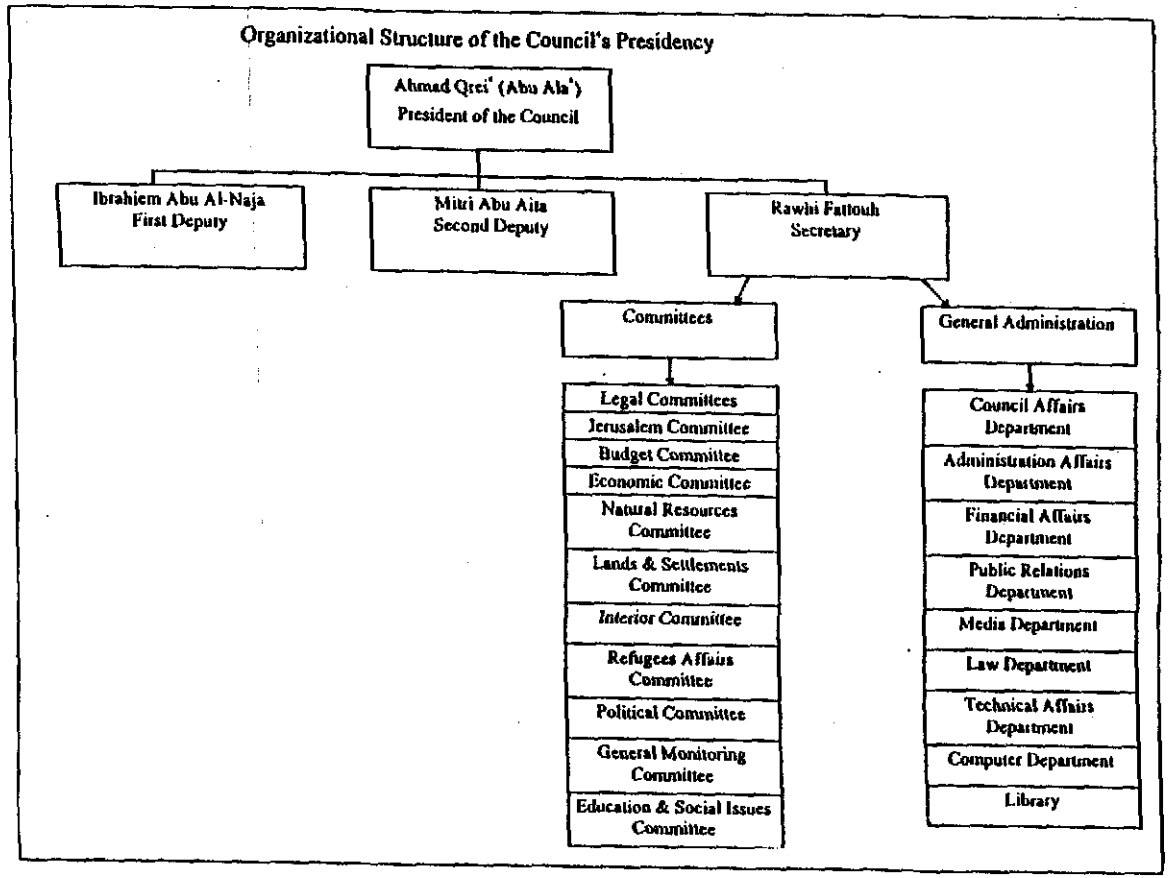
Origins of the PLC

The *Majlis Al-Tashri'* (Legislative Council) was born of the Declaration of Principles (DoP) signed in Washington on September 13, 1993 between Israel and the Palestinians. Article 1 of the DoP announces: "The aim of the negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council, for the Palestinian people in the West Bank and the Gaza Strip for a transitional period not exceeding five years."

Two years later in September 1995, in the Interim Agreement, or Oslo II, the structure, jurisdiction, functions, size and responsibilities of the Council were determined.

The date for elections for the presidency of the PNA and the 88 members of the Council was set for January 20, 1996. Constituencies were defined corresponding to the governorates of the West Bank, Gaza Strip and East Jerusalem. The number of seats allotted to each constituency was relative to the population of that particular governorate.

Following a series of Presidential Decrees issued by acting-



by secret ballot in which PLC members participate. In last council presidency, there are a number of administrative branches a total of just under 10% of the votes.

lows, "Committees; study, review and suggest draft amendments to draft legislation transferred to the committee; monitor the operations of all ministries and agencies of the Executive Authority; and look into complaints and violations submitted to the committee. Committees also oversee plans, programs and agreements entered into by the Executive Authority."

Reports requested or forwarded by the committee are discussed within the council. According to Article 59, "Any report shall include the opinion of the committee with reasons and minority opinions. The report shall be accompanied by the recommendations of the committee and draft decisions, with full explanations." Following the presentation of such a report, discussion begins. The right to raise questions, or interpolate, is upheld for every member of the Council and questions are submitted in written form to the Speaker. Thirty questions are raised at the beginning of each meeting, according to Article 73, to which ministers must reply. During discussion and debate on proposals and draft decisions, no member can speak more than once.

If the bill or proposal is

relative to the population of that particular governorate.

Following a series of Presidential Decrees issued by acting-Chairman Yasser Arafat - regarding voter registration, an elections appeal court, the establishment of an elections committee, distribution of seats, and the elections campaign - approximately three-quarters of the electorate, or 780,079 Palestinians of East Jerusalem, the West Bank and Gaza turned out to vote in the first ever democratic Palestinian elections. The polls were monitored by international observers. Of the 672 candidates, 88 became members of the PLC according to a "direct, simple majority vote system."

The first session of this new legislative body convened March 21-22, in Gaza.

Ghassan Khatib, Head of the Jerusalem Media and Communication Center (JMCC), in his introduction to the JMCC publication The Palestinian Council explains, "The Palestinian people regard [the PLC] as one of the major achievements emanating from the current peace process. It is looked upon as an indication of their right to self-determination and an expression of their natural hopes."

The structure of the PLC

Leadership of the PLC is invested in the Office of the Council which consists of the Speaker, First Deputy Speaker, Second Deputy Speaker and Secretary. These figures are elected annually by secret ballot in which PLC members participate. In last week's ballot, Ahmad Qrei' (Abu Ala), Ibrahim Abu Naja, Mitri Abu Eita and Rawhi Fatouh were re-elected to these posts, in respective order. The Speaker of the Council ranks second in state hierarchy.

The PLC has 12 committees each specialized in a particular area. According to the *PLC Report*, issued by the media department of the PLC: "Unlike any other Parliament, because of the unique political situation faced by the Palestinian people, the PLC has three committees that are truly unique: The Jerusalem, Land and Settlements and Refugee and Diaspora Committees." Each committee has 5-25 members, as well as an elected chairperson and a secretary. Council members can only serve on two committees, and a chairman of a committee can only serve on one other committee.

The Executive Authority, otherwise known as the Cabinet or Council of Ministers, consists of the leaders of the 23 ministries. It was the task of the elected President of the Authority to appoint these ministers, of which 80% had to be elected Council members. Although ministers cannot be members of any of the committees, they may attend committee meetings, or be called upon to give information or clarify any particular issue being discussed in the closed committee sessions.

As well as the committees and council presidency, there are a number of administrative branches of the PLC, which carry out duties on behalf of the PLC, including technical and financial services.

Profile of PLC members

In order to nominate themselves on the electoral list, candidates for Council membership have to be at least 30 years of age, have a valid address within an electoral district, and be a registered voter.

According to the election results, 50 seats went to Fateh, 35 went to independent candidates and one seat each went to FIDA, the National Democratic Coalition and the Liberty and Independence Bloc. Seventy-eight of the members had a history of resistance to the occupation. Thirty-three percent of the seats went to returnees. A number of seats were set aside for other religions; thus 1% was allotted for Samaritan and 8% for Christian representation.

The majority of members' ages fall between the 50-59 age bracket. The youngest Council Member, Dalal Salameh, is 32-years-old. Of the professions held by PLC members, the greatest number are PNA officials (15), doctors (10), Fateh officials (8), businessmen (7) lawyers (6) or college professors (6). Although only five women won seats in the Council, this is significant when one considers that only 25 candidates, of a total of 672, nominated themselves for the elections. A woman, Samiha Khalil ran in the elections for presidency, winning a total of just under 10% of the votes.

"No member of the Council may be absent [from sessions] without informing the Speaker," according to Article 102 of the Standing Orders. On the fortnightly public meetings of the Council, which are held Mondays to Thursdays, usually in Ramallah, all 88 members should therefore be in attendance.

How an idea becomes law

Conduct within Council sessions has strict guidelines according to the Standing Orders. No impolite language, incitements against public order, no interruptions or repetitions must be made. It is the Speaker's role, or in his absence, that of his deputies, to speak on behalf of the Council, preside over the public fortnightly sessions. The agenda of each meeting should be outlined two days prior to the beginning of a meeting and strictly adhered to during sessions.

Regarding legislation, the President, or any minister, can present any draft law to the Speaker, accompanied by an explanation for its presentation. Any member can submit a proposal for a new law, or an amendment to or repeal of an existing law. The idea is presented to the relevant committee, which must present a report on the topic.

The responsibility of each committee, which usually meets in fortnightly sessions in Gaza, is defined in the PLC Report as follows: During discussion and debate on proposals and draft decisions, no member can speak more than once.

If the bill is accepted by a majority of the Council, it is passed to the Legal Affairs Committee, which later re-submits its version in the form of a draft law. The draft law passes through three readings, each with a specific purpose, the latter, for example, being limited to the discussion of proposed amendments. If the draft legislation survives discussion and voting procedures, for which an absolute majority of Council members is necessary, it is then forwarded to the President of the PNA.

According to Article 68 (a): "The President of the PNA shall issue the laws after their approval by the Council within a period of 30 days from the date of which it was forwarded to him. He must return it during that time accompanied with his notes or reasons for his rejection. If he fails to do so, the draft law will be considered issued and will be immediately published in the official newspaper." If, however, the President does return the draft law for re-debate, once the reviewed version is approved by a two-third majority of the members, the law is considered effective.

*The sources for this article are: *The Palestinian Council* published by the Jerusalem Center for Media and Communication (JMCC); and the PLC's website http://www.pal-plc.org and the PLC information department's first edition of the *PLC Report*.

meeting is being shoved far away from the current agenda.

Arafat himself told reporters on Wednesday that a meeting between himself and Netanyahu is not on the agenda for the time being.

The incident took place at a roadblock near the town of Tarkumya east of Hebron when Israeli soldiers opened fire on a Ford Transit van carrying passengers returning from their workplace in Israel to the town of Dura.

that dozens of stoning incidents were reported in various parts of the Hebron district. Voice of Palestine radio stations said that at least 50 Palestinians in the Hebron area were wounded in clashes that erupted in the city in protest against the killing.

The three Palestinians who were killed were identified as Ghaleb Rajoub, 36, Mohammed Shihdeh Sharawne, 36, and Adnan Abu Zneid, 27.

They were taken to Beit Jala

STATE FUNERAL Palestine Police act as pallbearers to the Tarkumaya Three in Dura, near Hebron, Wednesday.

hospital near Bethlehem where their bodies underwent post-mortem. A doctor who participated in the autopsy said all three died of high velocity bullet wounds in the head and the upper part of their body. The body of the driver Mohammed Sharawneh was riddled with more than ten bullets, the doctor said.

Continued on p.3

PLC's 3rd term begins on sour note

by Ead Nayef

THE Palestinian Legislative Council (PLC) entered its third term with a special session and a "state of the autonomy" address by President Yasser Arafat on Saturday, March 7.

Council members were expecting Arafat to talk about specific reforms in his administration, including a major cabinet reshuffle, but instead Arafat gave a speech in which admitted that "mistakes were made" and general promises of future improvement.

Arafat gave a dismal report on the peace process, saying it was "about to breathe its last breath," and blaming Israel for the poor Palestinian economy. He praised the Palestinian people for maintaining a low crime rate despite the fact that 700,000 were under the poverty line.

"The mistakes that were made were rectified. Those that might occur in the future will be rectified immediately. We must not forget that we are on the path toward a mature democracy, but are not there yet," the President said. "That was empty talk," said a flustered legislator, Azmi Shu'aibi, former Minister of Youth and Sports, as he left the hall after the address.

"We are disappointed," said Ziad Abu Amr, an independent member of the Council from Gaza, echoing the sentiments of many others.

In the days preceding the session, Arafat had a series of meetings with Council Speaker Ahmad Qrei' and the council's Fatah bloc, which comprises the majority of members. Fatah leaders said Arafat wanted to ensure Qrei's re-election as speaker.

Qrei' is the architect of the Oslo Accords. He spent a year and a half in the Norwegian capital negotiating in secret with Israeli officials in 1992 and 1993. He went on to become Minister of Economics in the PNA, but resigned upon his election as speaker of the Council in March 1996. He continues to sit in on the weekly meetings of the PNA Cabinet, and has recently been conducting backdoor peace negotiations with Israeli Minister Ariel Sharon.

The Fatah leader of the West Bank and Ramallah legislator Marwan Barghouti had said he was considering giving Qrei' a run for his money, but backed down on Arafat's request.

Qrei' and his three deputies - Rawhi Fatouh, Mitri Abu Eita and Ibrahim Abu Naja - were re-elected easily, and council members said that weakened their demand for executive reform.

"If we could not change the composition of our leadership, why should the president take seriously our demands to change his Cabinet?" asked Abu Amr.

The Legislative Council was elected in January 1996 as stipulated in the peace accords. In its two years of existence, members have complained of severe neglect by the Executive Authority. A major Council report on corruption and mismanagement in the PNA last year has been neglected. Most of the laws that the Council passed await presidential approval, especially the Basic Law which could act as a constitution in the interim phase.

"Arafat told us that as long as he is alive, he will never ratify the Basic Law," said a Fatah legislator from Nablus, Husam Khader. "I believe that as long as the Basic Law is not ratified and the relationship between the executive and legislative branches of government is not established by law, the Palestinian people cannot move toward democracy or civil society," Khader said.

Continued on p.3

In the fight to shift the PLO from a revolutionary organization to a civil government, the Council has been at the forefront. But the battle has not been easy.

"The method by which Arafat manages his affairs, the residue of long years of military and secret activities, and his belief in the adage, 'The end justifies the means,' reinforced his feeling that he must retain absolute control over the PNA," said Shu'aibi. "Arafat controls the three branches of government, Executive, Legislative, and Judicial."

Council members agreed that the social fiber of the Palestinians was the biggest impediment to democracy at this point. Several Council members said they have the courage to hold the security forces and Executive branch of government accountable, but asked, "Will the public stand by us when we are arrested?"

Political analyst Khalil Shiqaqi said the major obstacle to a more effective Council was Qrei'. "Every Executive branch will try to belittle the legislature, but the basic problem is that the Council's leadership is in total co-ordination with the executive branch."

PLC: Theory and practice p.7

To: plc
From: Laura Abrahams <laura@palnet.com>
Subject: interview with Abu Ala
Cc:
Bcc:
X-Attachments:

FYI: From Oct. 17 Palestine Report:

>
>QREI': PRESIDENT PROMISED BETTER RELATIONSHIP WITH COUNCIL
>
>Ramallah -- The Legislative Council held a special closed session in the
evening of October 9, so that members could be addressed by Palestinian
president Yasser Arafat. The president reportedly briefed members on his
meeting early that morning with Israeli prime minister Binyamin Netanyahu and t
>he latest developments in the peace process.
>
>Also on the agenda was the recent deal between the Israeli government and
Jordan for the release of prisoners, including Hamas leader Sheikh Ahmed
Yassin, in exchange for the two Mossad agents involved in a botched
assassination attempt in Amman. Arafat reportedly warned members that the
deal, mad
>e without consultation with the Palestinian Authority or Arafat, was
indicative of a conspiracy to undermine the PA.
>
>Members are also said to have voiced their concern about the growing rift
between the executive authority and the legislature. Arafat reportedly tried
to ease those concerns, saying he had received drafts of three laws,
including the Basic Law, and would soon ratify them, and that the executive wo
>uld submit its 1998 budget to the Council for approval soon.
>
>Speaker Ahmed Qrei' (Fateh, Jerusalem) said after the closed meeting that it
>was "one of the most important dialogues to have taken place between the
>legislative and executive authorities. He said the president had

decided to
>form a committee of four ministers from his Cabinet and four Council members
>plus a high-ranking security officer to discuss the 187 decisions taken by
>the Council thus far. The committee will report back in 45 days, he said, '
>about the reasons why the bulk of those decisions have yet to be
>implemented.
>
>In a meeting on October 13, speaker Qrei' read members the letter of
>resignation submitted two weeks earlier by prominent Council member Haider
>Abdel Shafi (Independent, Gaza City). In his letter, Abdel Shafi criticized
>Qrei' for not having confronted the executive authority for refusing to
>implement Council decisions, and expressed his disappointment in the overall
>performance of the legislature.
>
>Ziad Abu Amr (Independent, Gaza City) said after the meeting that the
>members had decided to refuse to accept the resignation because "resignation
>is not the appropriate way to resolve these problems." Abdel Shafi said, on
>being told of the Council decision, that it was not up to the Council
>members to accept or reject his resignation and that his decision to step
>down still stands.
>
>On October 14, Council members voted to create a "Committee for Council
>Affairs", to handle organizational aspects of the legislature, including
>fund-raising. The committee will replace the existing "Liaison Committee";
>several members have recently criticized the liaison body because its
>members were taking numerous trips abroad and those opportunities were not
>made available to all members.
>
>The session on October 15 was dominated by discussion of the draft animal
>health law, which will regulate the housing, hygiene and fodder of

the
>locally-raised livestock which provides most of the local meat supply.
>Animal health is currently unregulated.
>
>Debate of the draft judicial independent law was postponed so that those
>working on the law could consult with international judiciary experts, while
>debate of the "political parties law" was delayed pending the input of
>actual political parties. @

To: news
From: Laura Abrahams <laura@palnet.com>
Subject: PLC update
Cc:
Bcc:
X-Attachments:

FYI: From Sunday's JMCC (Oct. 19):

>PRESIDENTIAL MEASURES TO RECTIFY CONDITIONS IN PA INSTITUTIONS President
Yasser Arafat started taking measures in the area of administrative reform,
and he did inform the ministers about those measures in the Cabinet meeting
last Friday in Ramallah. The President will issue within the next few d
>ays a series of important decisions to eliminate corruption and favoritism
in some of the ministries and government institutions and to rectify the
conditions in government performance. An informed source said the reforms to
be announced by Arafat will touch most of the PA apparatuses; Arafat will
> announce 25 decrees, but the most important decisions are : a) To control
government expenditure; b) To ratify the bylaws including financial and
legal regulations pertaining to ministries and public institutions; c) To
assess the ministries' needs in the area of high positions, such as "deputy m
>inisters" and "general directors", the source did not rule the possibility
of dismissing several persons with such high positions; d) To form boards of
directors from qualified people to run several public and semi-public
institutions, such as the Tobacco Commission, Monetary Authority, Energy Aut
>hority, Petroleum Commission, and Pension and Social Security Fund; e) To
tighten control over financial and administrative supervision in PA
ministries and institutions; f) To control the use of cars and cellular
phones used by PA officials; g) To form a council to supervise and protect
funds of

>Islamic Waqf; h) To organize the work of "Land Registration" Department; i)
To ban the abuse of authority and position and to legislate a punitive law
for violators. It was also known that there is a tendency to have a new
position of a State Minister for PLC Affairs with the task of coordinating
>between the PLC and the PA Cabinet. President Arafat has ratified the Local
Councils Law and is expected to ratify the Monetary Authority Law and Civil
Service Law in the near future. PLC Speaker Ahmad Qrei' said the President
approved forming a joint ministerial-legislative committee to be headed
> by Tayyeb Abdul Rahim and to include six ministers and six PLC members;
the ministers are PA Cabinet Secretary Ahmad Abdul Rahman, Finance Minister
Mohammad Zuhdi Nashashibi, Justice Minister Freih Abu Mdein, Public Works
Minister Azzam Al-Ahmad, and Maj.Gen. Abdul Razzaq Majaydeh while the six P
>LC members are Rawhi Fattouh, Salah Ta'mari, Hasan Asfour, Sa'd Krunz,
Jamileh Saydam and Ahmad Al-Deek. The joint committee will study all PLC
decisions in an attempt to implement the decisions which were ignored and
leave out the decisions which were not part of the PLC jurisdictions. Qrei' adde
>d that the committee was given a 45-day period to announce its decisions
starting from the date the committee was decided upon, which was last
Friday, October 17, 1997. Al-Quds
>

To: plc
From: Laura Abrahams <laura@palnet.com>
Subject: interview with Abu Ala
Cc:
Bcc:
X-Attachments:

FYI: From Oct. 17 Palestine Report:

>
>QREI': PRESIDENT PROMISED BETTER RELATIONSHIP WITH COUNCIL
>
>Ramallah -- The Legislative Council held a special closed session in the
evening of October 9, so that members could be addressed by Palestinian
president Yasser Arafat. The president reportedly briefed members on his
meeting early that morning with Israeli prime minister Binyamin Netanyahu and t
>he latest developments in the peace process.
>
>Also on the agenda was the recent deal between the Israeli government and
Jordan for the release of prisoners, including Hamas leader Sheikh Ahmed
Yassin, in exchange for the two Mossad agents involved in a botched
assassination attempt in Amman. Arafat reportedly warned members that the
deal, mad
>e without consultation with the Palestinian Authority or Arafat, was
indicative of a conspiracy to undermine the PA.
>
>Members are also said to have voiced their concern about the growing rift
between the executive authority and the legislature. Arafat reportedly tried
to ease those concerns, saying he had received drafts of three laws,
including the Basic Law, and would soon ratify them, and that the executive wo
>uld submit its 1998 budget to the Council for approval soon.
>
>Speaker Ahmed Qrei' (Fateh, Jerusalem) said after the closed meeting that it
>was "one of the most important dialogues to have taken place between the
>legislative and executive authorities. He said the president had

decided to
>form a committee of four ministers from his Cabinet and four Council members
>plus a high-ranking security officer to discuss the 187 decisions taken by
>the Council thus far. The committee will report back in 45 days, he said,
>about the reasons why the bulk of those decisions have yet to be
>implemented.
>
>In a meeting on October 13, speaker Qrei' read members the letter of
>resignation submitted two weeks earlier by prominent Council member Haider
>Abdel Shafi (Independent, Gaza City). In his letter, Abdel Shafi criticized
>Qrei' for not having confronted the executive authority for refusing to
>implement Council decisions, and expressed his disappointment in the overall
>performance of the legislature.
>
>Ziad Abu Amr (Independent, Gaza City) said after the meeting that the
>members had decided to refuse to accept the resignation because "resignation
>is not the appropriate way to resolve these problems." Abdel Shafi said, on
>being told of the Council decision, that it was not up to the Council
>members to accept or reject his resignation and that his decision to step
>down still stands.
>
>On October 14, Council members voted to create a "Committee for Council
>Affairs", to handle organizational aspects of the legislature, including
>fund-raising. The committee will replace the existing "Liaison Committee";
>several members have recently criticized the liaison body because its
>members were taking numerous trips abroad and those opportunities were not
>made available to all members.
>
>The session on October 15 was dominated by discussion of the draft animal
>health law, which will regulate the housing, hygiene and fodder of

the
>locally-raised livestock which provides most of the local meat supply.
>Animal health is currently unregulated.
>
>Debate of the draft judicial independent law was postponed so that those
>working on the law could consult with international judiciary experts, while
>debate of the "political parties law" was delayed pending the input of
>actual political parties. @

Summary of the Arabic Newspaper coverage of the Council Session of Thusday, March 7, 1997.

Al Havat Al Jadidah
Friday, March 8, 1997

A

Ending the first session of the Council

Legislative emphasizes on the Arab Jerusalem and defending it.

1. "In addition to approving the previous minutes of the past two sessions, Council discussed several internal issues and issues related to the work of the Council and its Standing Orders, the relations between the members and organizing its meetings".

2. "Abu Ala adjourned and said that first session is closed now ending the first and second term of it. Reconvening would require Arafat to call on the Council or according to articles in the Standing Orders".

Al Havat Al Jadidah
Friday, March 8, 1997

B

In The Legislature's session where they refused judaziation of Jerusalem

A call on the people to unite, reject revenge and accept judiciary laws Discussing voting in new Ministers and mentioning the budget issue.

1. "Voting in the ministers, discussing issues related to internal situation regarding relations between Council and members and organizing the Council's internal matters (Standing Orders)".

2. "Rafiq Natcheh asked not to connect between the draft and the end of the session because the Standing Orders do not state this".

3. "The Council had also discussed several internal issues related to organizing the meetings, the delegations and convening sessions",

Al Ayyam
Friday, March 8, 1997

C

Council ends its first session, convenes a special one next week with the presence of the President

Legislative Council gives another period of time for the Cabinet to submit the budget and demands limits to end killing the strugglers

1. "Council announced ending its first session waiting for President Arafat's call to reconvene for the second one, according to what is stated in the Standing Orders".

2. "According to articles in Standing Orders in the second title (article 13), the Council reconvenes for the second session after being called upon by President of the Palestinian National Authority".

3. "The Cabinet violated the Standing Orders by not submitting the budget until now".

4. "The Council had adjourned as Abu Ala announced the end of its first session according to the Standing Orders. The Council will wait for Arafat's call to reconvene the sessions. It is likely to hold elections for the position of the speaker according to the Standing Orders of the Council".

Al Hayat Al Jadida Friday March 1, 1996 (A)

في ختام الدورة الاولى للمجلس

التشريعي يؤكد على عروبة القدس والدفاع عنها

رد الله الحياة الجديدة تاني موسى: اكد المجلس التشريعي على قراراته السابقة المتعلقة بعروبة القدس والدفاع عنها في وجه الاعتداءات الاحتلالية المتواصلة واعتبر المجلس والسلطة التنفيذية قضية ابو غنيم وما يرافقها من قرارات استيطانية معتدا في تاريخ الصراع يختلف عن سابقه. وقرر مواصلة مناقشة الاعتداءات وجدوى استمرار المفاوضات على ضوء نتائجها والمواقف المتعنتة لحكومة نتنياهو العنصرية الى ما بعد عودة الرئيس ياسر عرفات من جولته والاستماع من الرئيس في جلسة خاصة وبحضور القيادة الفلسطينية عن نتائج هذه الجولة ومواقف الدول التي زارها ليتسنى للمجلس بعدها اتخاذ قرار قاطع.

واتفق المجلس في بداية جلسته الثامنة والثلاثين التي افتتح احمد قريع «ابو العلاء» اعمال يومها الوحيد في مقر المجلس المؤقت برام الله على تكليف رئاسة المجلس وبأغلبية ٣٣ صوتا مقابل ٢٣ بالرد على رسالة مجلس الوزراء المتعلقة بتقديم مشروع موازنة السلطة

ابقية ص١٥
التفاصيل ص٥

التشريعي/بقية

الوطنية للعام ١٩٩٧ بعد ان اعتبر المجلس في قرار صدر بهذا الشأن الرسالة متأخرة ومنح بعد مناقشات سادها الجدل مهلة اسبوعين جديدين لتقديم المشروع على ان يعقد جلسة ثقة في التاسع عشر من الشهر الجاري اذا لم يقدم المشروع.

من ناحية ثانية ادان المجلس بشدة الجريمة النكراء التي اودت بحياة المناضل قائد صقور فتح في منطقة القطاع الوسطى الملازم اسماعيل حسونة وكافة الحوادث السابقة التي استهدفت مناضلين من مختلف الفصائل ووجه المجلس نداء لجماهير شعبنا دعاها فيه الى رص الصفوف والوحدة ونبذ الثأر وطالب بأن تأخذ العدالة مجراها وشدد على ضرورة معالجة هذه القضايا قضائيا وجعل القانون سبيلا وحيدا لحلها وقرر المجلس تشكيل لجنة خاصة لمتابعة الموضوع من كافة جوانبه وتفصيلاته.

واكد ابو العلاء ان للمجلس يولي اهمية خاصة لمسألة وجوب نيل وزراء جدد لثقة المجلس حال تعيينهم وقال ان رئاسة المجلس ستتابع الأمر من خلال رسائل رسمية.

وبخصوص مطالب المعلمين أكد المجلس على قراراته السابقة واشار ابو العلاء الى ان السلطة التنفيذية تبذل مساعي حثيثة لحل مشكلة المعلمين المقربين من خلال لجنة وزارية ثلاثية من المتوقع ان تصدر توصيتها بخصوص حسم نسبة الـ ٥٪ وزيادة علاوة المهنة بنسبة ١٠٪ خلال الاسبوع المقبل.

واحال المجلس الى جلسة مقبلة مناقشة تقرير لجنة الرقابة المتعلق بمسألة الدقيق وبعد ان قامت بتوزيع نص التقرير على النواب للاطلاع على فحواه تمهيدا لمناقشته.

واضافة الى اقرار محضر الجلستين السابقتين ناقش المجلس جملة من القضايا الداخلية والامور المتعلقة بعمل المجلس ونظامه الداخلي وعلاقات اعضائه وتنظيم اجتماعاته، واحال الى لجنتيه القانونية والمالية مطالبة وزارة المالية اعضاء المجلس بدفع ضريبة دخل على رواتبهم. في الوقت الذي رفض فيه المجلس قرارا واحدا تقدم به النائب سليمان الرومي يرمي الى تحريم بيع الخمور من خلال قانون خاص بذلك حيث رد المجلس مشروع القرار بمعارضة ٢٦ صوتا مقابل ١٧ صوتا ايدوا القرار.

وبعد ان حيا ابو العلاء باسم المجلس التشريعي المرأة الفلسطينية التي اشاد بدورها الريادي المتميز في كافة مناحي الحياة والنضال بمناسبة الثامن من آذار يوم المرأة العالمي واكد وقوف المجلس الدائم الى جانب حقوقها ومطالبها. وبذلك اعلن ابو العلاء رفع الجلسة الثامنة والثلاثين التي يعني انتهاؤها انتهاء الدورة الاولى للمجلس بفترتيها العاديتين الاولى والثانية التي يحتاج التئام دورته الثانية الى دعوة من الرئيس ياسر عرفات او تلبية لاحكام اتفاق نصت عليها مواد نظام المجلس الداخلي.

الدستور March 1, 1997

في جلسة لـ"التشريعي" رفض خلالها

سياسة تهويد القدس

دعوة شعبنا لرص الصفوف ورفض الثأر وتغليب حكم القضاء

مناقشة مسألة منح الثقة للوزراء الجدد والتعرض لقضية الموازنة

متابعة: نائل موسى

رام الله - الحياة الجديدة: انتهت مساء امس اعمال الدورة الاولى للمجلس التشريعي بفترتيها الاولى والثانية الحادية قبل يوم واحد من انتهاء موعدها الرسمي وهو مساء اليوم السابع من آذار الجاري.

واعلن احمد فريح - ابو العلاء - رئيس المجلس ذلك في اعقاب رفعه اعمال الجلسة الثامنة والثلاثين للمجلس التي انعقدت صباح امس بمقر التشريعي المؤقت براد الله بحضور ٥٢ نائب وعلى جدول اعمالها جملة من القضايا المهمة منها اقرار محضر الجلستين السابقتين، ومشروع الموازنة وقضية تهويد القدس والاستيطان فيما نجح النواب في ادراج عدد آخر من القضايا في باب ما يستجد من امور منها جريمة اغتيال الملازم اسماعيل حسونة، قضية الطحين، اضراب المعلمين، ومنح الثقة لوزراء جدد وعدد من القضايا الداخلية المتعلقة بعلاقات المجلس والنواب وتنفيذ الموارد الداخلية.

وناقش المجلس كامل الموضوعات المدرجة على جدول اعماله واتخذ جملة من القرارات والتوصيات واكد على قرارات اخرى سابقة. فيما اجل المجلس الى جلسة مقبلة اصدار قرار بشأن الاعتداءات الاحتلالية على المدينة المقدسة بعد الاستماع للرئيس ياسر عرفات اضافة الى قضية الدقيق.

ورد مشروع قانون واحد يتعلق بمنع المتاجرة بالخمور في الوطن لغير المسيحيين. وفيما يلي تفاصيل الجلسة التي شهدت نقاشات نشطة ساعة افتتاحها تمحورت حول اضافة بنود على جدول الاعمال.

منح الثقة للوزراء الجدد

وطالب النائب سعدي الكرنز بادخال بند يتيح للمجلس مناقشة قضية استشهاد المناضل اسماعيل حسونة. اثناء انتصار النائب احمد النصر فيه الى مذكرة موقعة من عشرة نواب تحمل ذات الخلفية. فيما طالب النائب د. حيدر عبدالشافي بادخال بند يتعلق بتنفيذ مواعيد جلسات المجلس فيما استفسر النائب ابراهيم عن اسئلة قدمها لوزير المالية حول قضية الدقيق.

ودعا النائب قدورة فارس الى ادراج مسألة منح الثقة للوزراء الجدد سيما وانه قد تعيين وزير وقد يتخذه تغيير الثقة. وطالب النائب سليمان الرومي باضافة مسألة المتاجرة بالخمور ومشروع قانون وقعه ١٣ عضوا اضافة الى مسألة منح الثقة للوزراء الجدد. وطالب النائب زياد ابو عمرو بمناقشة قضية اضراب المعلمين فيما دعا النواب عزمي الشعيبي برهان جرار. حكمت زيد من زوايا مختلفة الى ادراج قضية الدقيق على جدول الاعمال. واقترح النائب روحي فتوح الى مناقشة موضوع وضع عقبات احداث دير البلح وايد النائب مروان البرغوثي هذه الاقتراحات. وطالب النائب يوسف الشنطي بمناقشة قضية اختيار موقعي المجلس لخروج فيما اقترح النائب احمد الديك الاستماع لموقف السلطة الوطنية من جسر بنات يعقوب والاستيطان وما استجد عليهما من امور واتمرت نتيجة المداخلات عن ادخال كافة الاقتراحات السابقة على جدول الاعمال حيث استهل المجلس مناقشاته بعد اقرار محضر الجلستين السابقتين وادخال التعديلات المتعلقة عليها بمشروع الموازنة.

وبعد ان تلا ابو العلاء نص رسالة تلقتها رئاسة المجلس من مجلس الوزراء يبلغها فيها عن تشكيل حكومة وزارية ثانية تضم محمد زهدي النشاشيبي وزير المالية، فريح ابو حسين وزير العدل، ونبيل شعث وزير التخطيط والتعاون الدولي بهدف الانتهاء من مشروع الموازنة تمهيدا لرفعه للمجلس.

واكد ابو العلاء بعد ذلك ان سيتم من تخصيص متابعة قضية مشروع الموازنة ورفعه للمجلس [illegible] الى اهمية الامر في حياة المجلس انتهاء دورته قبل اقرار المشروع وهو امر يستدعي استمرار الدورة الى اجل غير معلوم مما يعد مخالفة للنظام. ودعا المجلس الى تحمل مسؤولياته والرد على الرسالة برسالة يحدد فيها المجلس موعدا نهائيا لتسلم المشروع.

ودعا النائب حكمت زيد الى مناقشة مترويه للموضوع مشيرا الى عدم جواز عقد اجتماع مجلس الوزراء بحضور رئيس المجلس التشريعي واقترح زيد لتدارك الخلل تحويل الجلسة فورا الى جلسة ثقة تنفيذا لقرارات سابقة او تعطيل اعمال المجلس. الى حين تسلم المشروع.

رد الرسالة لمصدرها

واشار النائب رفيق النتشة الى الرسائل المتعلقة بالموازنة فقال انها تشكل استخفافا من قبل مجلس الوزراء ووزارة المالية وامين عام مجلس الوزراء بالمجلس التشريعي. وقال ان الرسالة ترمي الى تأجيل عقد جلسة الثقة ودعا الى تحديد مهلة اسبوعين لا غير لتقديم المشروع تعقد فور انتهائها جلسة ثقة. ودعا الى عدم الربط بين المشروع وانتهاء الدورة كون النظام الداخلي لا ينص على ذلك وايد النائب عبدالفتاح حمايل ما ذهب اليه النواب وقال ان جوهر القضية يتعلق باحترام المجلس لقراراته قبل ان يطالب الغير باحترامها وتطبيقها واقترح رد الرسالة الى مصدرها. وعقد جلسة نزع الثقة فورا واذا ما ذهب المجلس لتحديد مهلة جديدة اضاف النائب فلتكن قاطعة.

وعارض النائب عزمي الشعيبي من سبقه من زملائه واعتبر الرسالة تطورا ايجابيا حيث اقر مجلس الوزراء لاول مرة بحق التشريعي في مناقشة الموازنة وقال ان على المجلس تثبيت الخطوة. ودعاه الى الاخذ على محمل الجد موضوع تنفيذ قراراته بشكل متصاعد. ودعا الى تحديد موعد اسبوعين على الاكثر لتقديم المشروع.

وقال النائب يوسف الشنطي ان الرسالة تحمل في طياتها استخفافا واضحا بالمجلس سيما وانها تأتي بعد سبعة شهور من المواعيد التي ذهبت ادراج الرياح. ودعا الى رفض الرسالة وطالب باللجوء الى اجراء حجب الثقة ودعا رئيس المجلس الى عدم حضور جلسات المجلس الوزاري والتزام هيئة المكتب بتوجيهات المجلس ودعا النائب برهان جرار الى ان يبدأ المجلس بتطبيق قراراته قبل مطالبة الآخرين بذلك.

تناقض المداخلات

وتطرق النائب فخري شقورة الى مضمون الرسالة فقال انها تشير بصراحة لحضور رئيس المجلس للجلسة وكأن موافقة المجلس قد حصلت وهو امر غير صحيح وطالب باعطاء مهلة اخيرة لا يمكن الرجوع عنها.

وقال النائب مروان البرغوثي بعد ان انتهى على مداخلات النواب ان موضوع الموازنة والمماطلة يجسد شكل التفاعل بين السلطتين التنفيذية والتشريعية ودعا الى تحديد يوم الثلاثاء المقبل موعدا لجلسة الثقة.

وتطرق النائب حسن عصفور الى تناقض مداخلات زملائه وطالب المجلس بالاخذ بعين الاعتبار الاوضاع السياسية الراهنة وتغليب المصلحة الوطنية العليا واستغلال الوقت المناسب لطرح الموضوع المناسب ودعا المجلس الى التعاطي مع الموضوع بروحية جديدة وتوجيه رسالة لمجلس الوزراء يحدد فيها موعد جديد لتقديم المشروع.

ورفض النائب يوسف ابو صفية تبريرات زميله عصفور وقال ان الحياة [illegible]

لمنع اضفاء الشرعية على القرارات وتكريس مبدأ استقلالية السلطات.

ورفض النائب روحي فتوح طرح موضوع مشاركة رئاسة المجلس على جدول اعمال الجلسة كون المجلس كان قد اتخذ به توصية سابقة.

وابدى النائب عباس زكي استغرابه من تعارض مواقف النواب واقترح تاجيل بحث الموضوع في جلسة مستقلة الخميس المقبل يناقش خلالها وتطرح قضية حجب الثقة.

وعليه اجمل ابو العلاء النقاش وحول الاقتراحات على المجلس للتصويت الذي جاء بفارق عشرة اصوات لصالح اعتبار رسالة مجلس الوزراء غير كافية اضافة الى انها جاءت متاخرة وامهال المجلس مدة اسبوعين لتقديم الموازنة يصار بعدها الى عقد جلسة ثقة في ١٩ الجاري.

ثم انتقل المجلس بعد ذلك الى مناقشة موضوعي الاستيطان وتهويد القدس الذي مهد ابو العلاء لنقاشهما فاشار الى ان ما تمارسه اسرائيل بكل همجية وصلف يستند الى القوة الغاشمة امر مرفوض وعبر عنه شعبنا الذي انخرط في الاضراب العام والشامل الذي لم تشهد فلسطين مثيلا له منذ ايام الانتفاضة وقال ان شعبنا وجه بذلك رسالة تحذير عبر فيها عن غضبه العارم حيال تلك السياسة الهادفة الى فصل شمال الضفة عن جنوبها . في الوقت الذي ما زالت فيه ما تسمى بـ «الادارة المدنية» الاسرائيلية تمارس مهامها وقال ان اطماع اسرائيل تتضح وهي تسعى الى خلق قدس كبرى تمتد حدودها من بيت لحم حتى البحر الميت والى رام الله وهي خطة تجعلنا نقف امام سؤال واحد وهو هل المفاوضات في هذه الظروف ضرورية ام هي غطاء تستغله اسرائيل لتنفيذ مخططها.

واقترح الاستماع الى موقف السلطة التنفيذية من الموضوع الذي اشار فيه النائب د. صائب عريقات وزير الحكم المحلي الى جلسة امس الاول مع الجانب الاسرائيلي التي شارك فيها الى جانبه حسن عصفور حيث اكد ان اسرائيل تعتبر الاستيطان في ابو غنيم حقا لها تمارسه وفق فهمها لاتفاقات السلام حيث اشار مستشار وزارة الخارجية الاسرائيلية الى ان العمل في الجبل سيبدأ بعد ايام وحول مصادرة ١٠ آلاف دونم بمحاذاة مستوطنة «معاليه ادوميم» قال عريقات: ان الجانب الاسرائيلي رد على ذلك بانه حق طبيعي يحتاجه المستوطنون للتوسع كما يفعل الفلسطينيون.

وحول اغلاق المكاتب في المدينة اشار الوفد الاسرائيلي الى امكانية ادارتها عن طريق التوجه الى القضاء الاسرائيلي والاستئناف على القرار. وبعبارة اخرى يتحدث الاسرائيليون عن عملية سلام ليست لها مرجعية مدريد او اتفاقات او اعلان مبادئ او اتفاقات مرحلية.واستعرض د. عريقات الموقف الفلسطيني والتحرك الدبلوماسي على كافة الصعد المحلية والعربية والاسلامية والدولية لمواجهة السياسة الاسرائيلية.

واعرب وزير الثقافة والاعلام ياسر عبدربه في استعراضه للوضع عن استغرابه لظاهرة الاحتلال الفريدة في العالم المعاصر وقال انها المرة الاولى التي يوقع فيها كيان يدعي انه دولة ويعود عن توقيعه . وقال ان الاجراءات التي يقوم بها الاحتلال تعبر عن مدى العنصرية والخصوصية التي وصلها كيانه الذي لا يستحق ان تحترم اتفاقات معه.

وقال ان قضيتنا الآن على مفترق طرق يقف «ابو غنيم» فيها فاصلا بين مرحلتينا واشار الى المخططات في المدينة وحولها وقال انها تهدف الى رسم صورة الوطن بعد تحويله الى جزر نائية لا ينفع معها حل او مفاوضات نهائية او غيرها.

النضال الوطني ووصف ما يجري حاليا بالمذبحة الوطنية وآخر الحروب واعلن عدم امكانية استمرار الوضع القائم في ظل استمرار العدوان . بعد ذلك فتح ابو العلاء باب النقاش الذي داخل فيه النواب نبيل عمرو ، حيدر عبدالشافي، صلاح التعمري ، عباس زكي، جمال الشوبكي، وجميلة صيدم.

واجمل ابو العلاء النقاش واقترح عقد جلسة خاصة بعد عودة الرئيس من جولته للاستماع منه حول الزيارة والمواقف العالمية وآخر التطورات في جلسة خاصة تحضرها ايضا القيادة الفلسطينية وبعدها يصار الى اتخاذ قرار وهو ما اقره المجلس باغلبية ٢٦ صوتا مقابل معارضة ٨ اصوات.

واقترح ابو العلاء ضم اقتراح النائب جمال الشوبكي مناقشة سياسة هدم البيوت في الخليل والمنطقة «ج» في المحافظة الى ذات الجلسة.

كتاب ابيض ولجان اصلاح

ثم انتقل المجلس الى مناقشة الجريمة النكراء التي ذهب ضحيتها الشهيد اسماعيل حسونة عندما كمن له ثلاثة ملثمين واصابوه برصاصات قاتلة قبل ان تتمكن الاجهزة الامنية من القاء القبض عليهم.

واستعرض النواب سعدي الكرنز، هشام عبدالرازق، وابو علي شاهين الجريمة والحلول المناسبة التي تحول دون تفاقم الاوضاع في القطاع على هذا الصعيد، وقدم مداخلات في ذات الموضوع النواب ابراهيم البيباش، د. حيدر عبدالشافي، عبدالفتاح حمايل، سليمان الرومي صائب عريقات، يوسف الشنطي، ابراهيم ابو النجا، كمال الشرافي، دلال سلامة، فخري التركمان، مروان البرغوثي، غطته من كافة جوانبه والقت الضوء على الظاهرة ودعا خلالها النواب الى توقيع العقاب الرادع بحق من تسول له نفسه ارتكاب اعمال القتل هذه والاخذ بالثار وطالب النواب بايجاد صيغة لاغلاق ملف الانتفاضة واصدار كتاب ابيض وتشكيل لجان لاصلاح ذات البين، ودعا النواب الى الاكتفاء بحكم القضاء الذي يتوجب تنفيذ قراراته مهما كانت ودعوا الى التقليل من مظاهر الاحتجاج والتظاهرات المعارضة لانها تولد الاحتكاك وتعمل على تفاقم وتوسع دائرة الظاهرة.

تغليب حكم القضاء

وفي ختام المناقشات ادان المجلس الاعتداء والاعتداءات السابقة المشابهة ووصفها بـ «الجرائم النكراء» ووجه نداء الى شعبنا دعاه الى الوحدة ورص الصفوف وتغليب حكم القضاء والعدالة ورفض الثار واقر المجلس تشكيل لجنة لمتابعة الموضوع بكافة تفصيلاته.

وفيما يتعلق بقضية الدقيق اجل المجلس الذي تسلم نسخا من تقرير لجنة الرقابة مناقشة القضية الى جلسة مقبلة.

واعاد المجلس التاكيد على قراراته المتعلقة بجمهور المعلمين واعلن ابو العلاء ساعة مناقشة اضراب المعلمين ان السلطة التنفيذية شكلت لجنة وزارية ثلاثية من المتوقع ان تقر توصياتها وقراراتها المتعلقة بالغاء نسبة حسم الـ ٥٪ واضافة زيادة بنسبة ١٠٪ لرواتب المعلمين كعلاوة مبنية. ولم يرق للنواب تسلم رئاسة المجلس رسالة من وزارة المالية تطالبهم لتسديد ضريبة الدخل عن رواتبهم التي قالوا انهم يتقاضون سلفات لا يتوجب عليهم دفع ضرائب عليها وليس رواتب.

واكد النواب استعدادهم لدفع الضريبة اسوة بباقي ابناء الشعب واحالوا القضية الى اللجنتين القانونية والمالية لدراسة الرسالة.

كما ناقش المجلس عددا من الامور الداخلية المتعلقة بتنظيم الجلسات والوفود الخارجية وعقد الدورات.

وكان المجلس قد رفض باغلبية كبيرة مشروع قرار تقدم به النائب سليمان الرومي يقضي بتحريم بيع الخمور لغير المسيحيين وكان ١٤ نائبا تقدموا لرئيس المجلس بمذكرة عقب التصويت اشاروا فيها الى مخالفة رئاسة المجلس للنظام الداخلي حين عرض المشروع للتصويت قبل مناقشته واشاروا الى ان ذلك مخالف للبنود أ.ب. ج من المادة ٦٣ وعليه اعتبر النواب المشروع

المجلس يختتم دورته الأولى.. ويعقد جلسة خاصة بحضور الرئيس الأسبوع المقبل

التشريعي يحدد مهلة جديدة لمجلس الوزراء لتقديم الموازنة ويطالب بوضع حد للتطاول على حياة المناضلين الشرفاء

كتب حسام عز الدين:

اعلن المجلس التشريعي اختتام اعمال دورته الاولى، بانتظار دعوة الرئيس ياسر عرفات للمجلس للبدء في اعمال الدورة الثانية، وفقا لما ينص عليه النظام الداخلي للمجلس (1)

ففي نهاية الجلسة التي عقدها في رام الله، امس، اعلن رئيس المجلس احمد قريع ان الدورة «تعتبر مرفوعة ابتداء من تاريخ اليوم، الى ان يتم توجيه الدعوة من قبل الرئيس للمجلس للبدء في اعمال الدورة الثانية».

وحسب ما نص عليه النظام الداخلي للمجلس في الفصل الاول من الباب الثاني المادة (١٣)، فإن المجلس يعقد دورته العادية السنوية والثانية بدعوة من رئيس السلطة الوطنية الفلسطينية، وهذا بالطبع بعد انقضاء عام على عمل المجلس، حيث يتم اجراء انتخابات جديدة لهيئة الرئاسة، ويبقى عمل اللجان على حاله ما لم يتم تغييرها. (2)

وناقش المجلس في جلسة الامس، بحضور معظم النواب وعدد من الوزراء، العديد من القضايا المهمة للشعب الفلسطيني في هذه المرحلة.

وتوقف النواب مطولا امام حادثة اغتيال الشهيد اسماعيل حسونة في دير البلح، والاحداث التي نتجت عن ارتكاب هذه الجريمة. وطالب العديد من النواب ابناء الشعب الفلسطيني في منطقة دير البلح بضبط النفس، والتزام كافة الاطراف بالقوانين، والمساهمة في ان يأخذ القضاء مجراه لتجسيد القانون على ارض الواقع، للحيلولة دون الوصول الى حالة من الفوضى التي لا تنحسر إلا بالسلب على الشعب الفلسطيني برمته.

وفي ما يتعلق بالموازنة، اثارت رسالة وجهها المجلس الوزاري الى المجلس التشريعي استياء بعض النواب، الذين راوا فيها استخفافاً بالمجلس التشريعي، خصوصاً انه حثى على مطالبة مجلس الوزراء بالقرار الموازنة شهور عدة، اضافة الى ان النظام الداخلي للتشريعي ينص على ضرورة ان يقدم المجلس الوزاري تقرير الموازنة قبل نهاية السنة المالية باربعة اشهر، وهو الامر الذي لم يحدث حتى الآن.

وكانت الرسالة المذكورة قد نصت على ان المجلس الوزاري اصدر قراراً بتشكيل لجنة مصغرة مكونة من وزراء المالية والعدل والتخطيط والتعاون الدولي، من اجل دراسة الموازنة وتقديمها الى المجلس التشريعي، بدون تحديد المدة التي سيتم فيها ذلك.

واتفق على اعطاء مهلة جديدة لمجلس الوزراء تم تحديدها باسبوعين، وفي حالة عدم تقديمه للموازنة خلال هذه الفترة، يتم البحث حينها بموضوع حجب الثقة عن الحكومة، اضافة الى ضرورة اعداد رد على الرسالة التي وجهها المجلس الوزاري.

وفي ما يتعلق بالوضع السياسي، استمع النواب الى عرض قدمه كل من د. صائب عريقات وزير الحكم المحلي، والسيد ياسر عبد ربه وزير الثقافة والاعلام، حول آخر المستجدات السياسية، خصوصاً وعلى ضوء الاجراءات الاسرائيلية الاخيرة، وتم الاتفاق على التنسيق من اجل عقد جلسة خاصة للمجلس الاسبوع المقبل، بحضور الرئيس، لوضع النواب في صورة آخر التطورات والتحركات السياسية، خصوصاً بعد زيارة الرئيس الى الولايات المتحدة ومصر.

وتطرق النواب، كذلك، الى موضوع اضراب المعلمين، واكد المجلس على قراراته السابقة بشأن التوقف عن خصم نسبة الـ ٥٪ من رواتب الموظفين، اضافة الى ضرورة رفع رواتب المعلمين بنسبة ١٠٪ كعلاوة مهنة.

واشار قريع الى ان هناك نقاشاً جدياً في مجلس الوزراء والقيادة الفلسطينية من اجل تثبيت هذا القرار.

وبسبب ضيق الوقت، لم يستطع النواب مناقشة التقرير الخاص بموضوع الحشيش، الذي اعدته اللجنة الخاصة بمتابعة الموضوع، وهي لجنة الرقابة العامة، وتم الاكتفاء بتوزيع التقرير على النواب من اجل مناقشته في الجلسة المقبلة. وحدثت مشادة كلامية حادة بين برهان جرار عضو اللجنة المكلفة بمتابعة القضية ود. حسن خريشة مقرر اللجنة، حول بعض النقاط التي جاءت في التقرير، إلا انه تمت

ووجه المجلس في نهاية جلسته التهنئة الى المراة الفلسطينية لمناسبة يوم المراة العالمي الذي يصادف غداً.

استياء لعدم تقديم الموازنة

وكان المجلس بدأ اعماله بمناقشة موضوع الموازنة، حيث تلا قريع الرسالة الموجهة من امين عام مجلس الوزراء حول تمديد المهلة المعطاة للسلطة التنفيذية لتقديم الموازنة.

وفي مداخلته، اعتبر داود الزير ان الرسالة تعني «ازدراء» المجلس التشريعي، خصوصاً ان المجلس حدد اكثر من مرة المهلة المحددة لمجلس الوزراء من اجل تقديم موازنته، وكانت هناك مماطلة واضحة من قبله.

واوضح ان الموضوع يتعلق بمخالفة للنظام الداخلي، ارتكبها المجلس الوزاري، خصوصاً ان النظام ينص على ضرورة تقديم الموازنة قبل انتهاء السنة المالية باربعة شهور. (3)

واعتبر ان الرسالة تهدف فقط الى «اغلاق باب النقاش في هذا الموضوع». وطالب بان يكون للمجلس دور في الموضوع، مقترحاً تحديد مهلة جديدة على ان يتم بعد انتهائها مناقشة موضوع حجب الثقة عن الحكومة.

وطالب حكمت زيد برفض الرسالة من قبل المجلس التشريعي، على اعتبار انه لا توجد اجتماعات لمجلس الوزراء اصلاً كي يتخذوا مثل هذا القرار.

واقترح زيد إما ان تتم مناقشة حجب الثقة، او تعطيل اعمال المجلس لحين تقديم الموازنة.

واكد ابراهيم ابو النجا على ان الرسالة تنطوي على قدر من الاستخفاف بالمجلس، معتبراً ان المجلس الوزاري لم يوجه هذه الرسالة الا عندما احس بان موضوع حجب الثقة سيتم طرحه داخل التشريعي.

وابدى ابو النجا شكوكه حول ما إذا كانت الرسالة قد صدرت فعلاً عن المجلس الوزاري، معللاً ذلك بان المجلس الوزاري لا يجتمع اصلاً.

وعبر عن اتفاقه مع اقتراح تحديد فترة اسبوعين كمهلة جديدة للحكومة، اضافة لمطالبته بالرد على الرسالة.

التشريعي في مناقشة الموازنة، «وهذا شيء ايجابي يظهر لاول مرة».

واقترح توجيه نقد شديد الى السلطة لاستمرارها في المماطلة بتقديم الموازنة.

واقترح مروان البرغوثي تحديد جلسة يوم الثلاثاء لمناقشة موضوع حجب الثقة عن الحكومة لعدم تقديم الموازنة في الوقت المحدد.

من جانبه، اعتبر حسن عصفور ان مناقشة الموضوع تاتي في ظل وضع اكثر خطورة واهمية، مشيراً الى منحنى جديد يتعلق بمصلحة الوطن بشكل اكبر وهو الوضع السياسي الحالي، ومعتبراً انه لا يجوز التعاطي مع الامور بنفس المنطق.

وطالب عصفور المجلس التشريعي بالتعاطي مع هذا الموضوع بروح جديدة، مؤكداً على ضرورة تحديد فترة زمنية معينة للجنة الوزارية المصغرة، دون ان يكون هناك تصعيد من قبل المجلس التشريعي.

غير ان د. يوسف ابو صفية اعتبر ان الحياة يجب ان تستمر رغم كافة الظروف، وليس هناك مبررات لاستمرار المماطلة في تقديم الموازنة. وطالب بتحديد جلسة تتم فيها مناقشة موضوع حجب الثقة، خصوصاً ، ان هناك قراراً سابقاً من قبل المجلس بامهال المجلس الوزاري مدة اسبوعين.

واقترح عباس زكي تحديد جلسة خاصة يوم الخميس المقبل، لبحث هذا الموضوع، فإذا قدمت الموازنة خلال هذه الفترة تتم مناقشتها، وإذا لم تقدم يتم البحث في موضوع حجب الثقة.

وتم الاتفاق في النهاية على توجيه رسالة الى مجلس الوزراء وتحديد فترة اسبوعين كمهلة جديدة، على ان تتم في حالة عدم تقديم الموازنة خلال هذه المدة مناقشة مشروع حجب الثقة عن الحكومة.

عريقات وعبد ربه يستعرضان الوضع السياسي

ثم قدم قريع استعراضاً موجزاً للاجراءات الاستيطانية الاخيرة في منطقة جبل ابو غنيم والمناطق المحيطة بالقدس، حتى البحر الميت

المفاوضات مع الجانب الاسرائيلي.

واستمع النواب الى عرض قدمه د. صائب عريقات حول آخر المستجدات السياسية، حيث اوضح ان الجانب الاسرائيلي قدم خلال جلسة عقدت اول من امس، ردا الى الجانب الفلسطيني يتعلق بجبل ابو غنيم، مفاده ان الاستيطان في تلك المنطقة «حق سيادي» لاسرائيل تمارسه حسب ما تراه، وانه سيداوم العمل في تلك المنطقة.

واوضح ان الجانب الاسرائيلي يتحدث الآن عن عملية سلام ليست لها مرجعية سواء على صعيد صيغة مؤتمر مدريد او اية اتفاقيات اخرى مؤقتة، بل ويسعى الى فرض املاءاته على الشعب الفلسطيني.

وحسب تقييمه الشخصي لتطورات الاوضاع، اشار عريقات الى أن الحكومة الاسرائيلية أصبحت تتعامل وفق مفهوم جديد للسلام، لا يعتمد مرجعية مدريد او اوسلو او اي من الاتفاقيات الاخرى، بقدر ما يتفق مع مفهوم الاملاءات التي تريد فرضها.

اما ياسر عبد ربه، فقد اعتبر انه «لا يوجد في هذا القرن عنصريون مثل الذين يتم التعامل معهم»، قاصداً بذلك الحكومة الاسرائيلية، التي وصفها بحكومة اللصوصية».

وقال عبد ربه: نحن الآن امام مفترق طرق حقيقي، والمرحلة ستسجل ما قبل مشكلة ابو غنيم وما بعدها.

وعاد للتاكيد على وجود نية لدى حكومة اسرائيل لالتهام الاف الدونمات حول القدس، بهدف رسم خارطة الوطن الفلسطيني كما يراها الاسرائيليون لا كما يراها الفلسطينيون، مؤكداً على ان المفاوضات «اصبحت في حكم الملغى».

واعتبر د. حيدر عبد الشافي ان مناقشة هذا الموضوع تاتي في وقت متاخر، وان ما هو مطلوب الآن هو ترتيب البيت الفلسطيني من اجل الصمود على الارض، الامر الذي لا يمكن تحقيقه إلا من خلال ممارسة النهج الديمقراطي، واحترام القانون.

واشار عبد الشافي الى الدور العربي الذي من المفترض ان يكون مؤثراً في «ضرب المصالح الاميركية، حتى تقوم بدورها في الضغط والتاثير على الحكومة الاسرائيلية».

واقترح نبيل عمرو ان يتم التنسيق من اجل عقد جلسة بحضور الرئيس ياسر عرفات حول

عمر، وان يكون هناك حوار بهذا
خصوص في اقرب فرصة ممكنة.
وفي مداخلته، اعتبر صلاح
عمري ان المخطط الاسرائيلي
يد اخذ عنوان جبل ابو غنيم،
ان المستوطنة المراد اقامتها
بني على اراضي قرى بيت جالا
يت لحم وبيت طوبا والنعمات حتى
حر الميت.

وقال إن هناك خللاً فلسطينياً
غلباً في كثير من الامور على
عيد مواجهة هذه القضية.

واضاف : عندما نخدمنا اول
سيرة باتجاه جبل ابو غنيم، رافقنا
سؤول الارتباط المدني الفلسطيني،
وجئنا بان المسؤول لا يعلم إن
نت المنطقة مصنفة ا، او ب، او ج،
طلاً بذلك بانه لم يتم تزويده باية
ريطة.

وتساءل النعمري : كيف يمكن ان
مارس هذا الضابط مسؤولياته
هو لا يمتلك خرائط للمنطقة؟.

وطالب بان يكون هناك تنسيق
تكثف وفعال بين الوفد المفاوض
لقيادة السياسية اضافة للتنسيق
ن المؤسسات الفلسطينية المختلفة
ي هذا الصعيد. لما لذلك من مردود
جابي على معنويات المواطنين.

واقترح توجيه دعوة عاجلة الى
لمانات العالم من اجل تشكيل لجنة
قصي الحقائق حول كافة الامور
تعلقة بجبل ابو غنيم.

وطالب عباس زكي بالقال باب
نقاش في الموضوع، انتظارا للقاء
ع رئيس السلطة التنفيذية ياسر
رفات.

وتم الاتفاق على عقد جلسة
خاصة الاسبوع المقبل، لإعادة
ناقشة الموضوع بشكل معمق
اصدار القرار الملائم.

اغتيال الشهيد حسونة

واستمع النواب الى عرض قدمه
عام عبد الرازق حول الاحداث التي
رت في دير البلح، اثر اغتيال
ناضل اسماعيل حسونة، واوضح
د الرازق ان الشرطة الفلسطينية
مت باعتقال القتلة، إلا ان ذلك لم
نع تشكل اجواء تهدد بانعكاسات
نيفة، خصوصاً بعد ان تجمع مئات
ن المطاردين المسلحين امام مركز
شرطة مطالبين بتسليمهم القتلة.

واشار عبد الرازق الى انه كان من
الممكن حدوث فتنة، إلا انه تم تشكيل
محكمة امن الدولة لمحاكمة مرتكبي
عملية القتل.

وطالب باتخاذ اجراءات رادعة
ضد من يفكر بارتكاب مثل هذه
لجريمة.

وتطرق ابو علي شاهين عضو
جنة متابعة القضية بشكل مفصل
لى جريمة اغتيال الشهيد الذي
اطلق عليه الرصاص من سلاح
«كلاشينكوف» يعود لاحد افراد الامن
وقطعتي «جاليلي» اشترتها عائلة
القتلة لتنفيذ الجريمة.

واشار شاهين الى انه حسب
اعترافات القتلة، فقد قاموا
بجريمتهم بناء على قرار من مجلس
العائلة، وذلك انتقاماً لمقتل ابن
عائلتهم عبد المعطي البحيصي، كما
شاركت في الجريمة مجموعة من
النساء من خلال نقل الاسلحة.

واوضح ان مجموعة المطاردين
الذين تقدموا الى المجلس التشريعي
لمناقشة وضعهم، لم يقوموا بذلك الا
لانها ليست المرة الاولى التي يتم
فيها قتل احد المطاردين السابقين
على خلفية نشاطه الوطني.

واشار شاهين الى ان الشهيد
اسماعيل حسونة لم يمارس طوال
حياته التنظيمية اي سلوك سلبي،
وهذا ما ادى الى تجمع كبير من
المطاردين المسلحين بعد مقتله.

واكد على ان مجموعة المطاردين
المسلحين الذين تجمعوا في دير
البلح ، اوضحوا له انهم «يقومون
بذلك لانهم ليسوا على استعداد لكي
يتم ذبحهم بالدور امام العائلات
الكبيرة» وانهم يريدون للقضاء
القيام بدوره لتطبيق العدالة.

وقالت جميلة صيدم، إن هناك
حالة غليان تسود منطقة دير البلح،
مشيرة الى ان «اسرائيل ساهمت في
فتح الجراح».

واقترحت صيدم ان تقوم القيادة
العسكرية الفلسطينية بطي هذا
الملف على مسمع الجماهير، وان
تحذر كل من يقوم بمثل هذه الجريمة
بالاعدام.

واوضح روحي فتوح انه اجتمع
مع المطاردين الذين طالبوا المجلس
التشريعي بضرورة وضع حد من قبل
السلطة التنفيذية لهذه الجرائم،
وتنفيذ حكم الاعدام بهؤلاء القتلة،
من اجل انهاء هذه الظاهرة التي من
الممكن ان تقود الى اندلاع حرب
عشائرية.

واشار فتوح الى انه «لولا التدخل
المباشر من قبل كافة الجهات في دير
البلح لكانت هناك مجازر»، مؤكداً في
الوقت ذاته على ان «القضية في غزة
ستتفجر إذا لم تتم معالجتها فوراً».

ودعا لمطالبة السلطة التنفيذية
باتخاذ قرار واضح حول الاجراءات
الكفيلة بحماية من كان مطارداً في
عهد الاحتلال بسبب نشاطه ضد
العملاء.

وشدد عبد الشافي على ضرورة
عدم معالجة الموضوع بانفعال،
مشيراً الى انه لا بد للسلطة ان تظهر
للناس بانها معنية بالقانون
وتطبيقه، داعياً الى عدم السماح بان
يكون الشارع هو الحكم.

واقترح عريقات ان تصدر عن
المجلس ادانة للجريمة، ودعوة
الشعب الفلسطيني لرص الصفوف،
وصولاً الى تحقيق سيادة القانون
وعدم تكريس شريعة الغاب.

وقال إن المجلس لا يستطيع
التوصية بتنفيذ حكم الاعدام، لان
ذلك من اختصاص الجهاز القضائي،
مشيرا الى ان المجلس يستطيع
التوصية بايجاد حل جذري لهذه
الظاهرة.

واقترح يوسف الشنطي تشكيل
لجنة من المجلس والشخصيات
القادرة على دراسة هذا الموضوع
بحيث لا يسمح في المستقبل حدوث
ردات فعل انتقامية.

واما فخري تركمان، فاقترح
تشكيل لجنة عليا من اخصاء لاقامة
مصالحات عشائرية لحل كافة هذه
الاشكاليات.

واكد العديد من النواب على
ضرورة سيادة القانون، وان يقوم
الجهاز القضائي بدوره على اكمل
وجه، اضافة الى ضرورة العمل من
اجل مصالحة وطنية شاملة بشأن
هذه القضية.

إلا ان مروان البرغوثي اعتبر ان
هذه القضية من مسؤولية منظمة
التحرير الفلسطينية وفصائلها،
معتبراً ان خوض المجلس التشريعي
فيها من شانه ان يدخله في متاهات
لا نهاية لها.

وتم الاتفاق على ان يقوم المجلس
التشريعي بتوجيه نداء للشعب
الفلسطيني برص الصفوف واعتبار
هذه القضية من اختصاص القضاء،
على ان يتم تشكيل لجنة متابعة
للموضوع.

قضية المعلمين

وفي ما يتعلق بموضوع اضراب
المعلمين، عاد المجلس التشريعي
للتاكيد على قراراته السابقة
القاضية بوقف خصم نسبة الـ ٥٪
من كافة الموظفين، والتاكيد على
ضرورة رفع رواتب المعلمين بنسبة
١٠٪، الى ان يتم اقرار قانون الخدمة
المدنية.

وطالب د. زياد ابو عمرو باصدار
قرار من المجلس يؤكد فيه على انه
من حق المعلم القيام بخطوات
الاضراب المشروعة للمحافظة
بحقوقه، وذلك كي لا يتعرض المعلم
لضغوطات وتهديدات.

واتفق على ان يبقى موضوع
المعلمين قائماً على جدول الاعمال
حتى الجلسة المقبلة.

تاجيل نقاش تقرير الطحين

وكان من المفترض ان تتم
مناقشة تقرير لجنة الرقابة حول
قضية الطحين، الا انه نظراً لضيق
الوقت تم الاكتفاء بتوزيع التقرير
على النواب، على ان تتم مناقشته
في الجلسة المقبلة.

وكان يوسف الشنطي اقترح
اضافة موضوع اختيار الوفود من
المجلس وسفرهم على جدول
الاعمال، معتبراً ان هذه القضية
مهمة جداً، خصوصا ان هناك نوابا
لا يتم اختيارهم نهائياً.

وخاض النواب في مناقشة هذا
الموضوع بسرعة، حيث طالب
وجيه باغي بالعودة في هذا
الموضوع الى النظام الداخلي، الذي
ينص على انه في حالة طلب تشكيل
وفد يمثل المجلس، يحدد المكتب
عدد اعضائه، ويختارهم ثم يعرض
اسماءهم على المجلس للموافقة.
واذا لم تتم الموافقة عليهم يجري
انتخابهم.

اما عبد الشافي فاكد على
ضرورة مناقشة الموضوع «بشكل
موضوعي لا بشكل شخصي».

واوضحت رئاسة المجلس ان
الدعوات التي كانت ترد للمجلس
بخصوص الوفود، كانت تاتي
باسماء شخصية اي ان اسماء
الوفود كانت تحدد، وقليلة هي
الحالات التي كانت تاتي فيها
الدعوة للمجلس بشكل عام دون
تحديد اسماء.

مطالبة النواب بدفع ضريبة الدخل

وطرح روحي فتوح، موضوع
مطالبة وزارة المالية للنواب بدفع
ضريبة الدخل.

واعتبر الشعيبي ان على النائب
الالتزام بالقانون ودفع الضريبة،
مشيراً الى انه حتى الان لم تعترف
وزارة المالية بان ما يتقاضاه النائب
هو راتب، بل ما زالت تعتبره مكافاة
واكد على انه إذا اعتبر ما يتقاضاه
النائب راتباً، فيتوجب عليه في هذه
الحالة دفع الضريبة.

اما ابو النجا فقد احتج بشدة على
تقديم الطلب من قبل وكيل وزارة
المالية، معتبراً انه لا يجوز لوكيل
وزارة ان يخاطب المجلس
التشريعي.

وقال : لا يعقل ما تقوم به وزارة
المالية بحق النواب بين الفينة
والاخرى، موضحاً ان النائب
يتقاضى ٣١٠٠ دولار وليس ٢٥٠٠
دولار، كما تم تحديده، مطالباً
بضرورة احتساب الفرق باثر
رجعي.

وتم الاتفاق على احالة الموضوع
الى اللجنة القانونية والمالية لاعداد
وتقديم مشروع بهذا الخصوص
على المجلس في اقرب وقت.

مشادة كلامية حادة

وكان النائب احمد الديك عاد
لاثارة موضوع تقرير لجنة الرقابة
حول قضية الطحين، واعتبر ان
التقرير يتضمن اساءة لتنظيم حركة
«فتح» في منطقة سلفيت وان ذلك
لا يجوز قطعيا.

واكد كمال الشرافي على ان هناك
اخطاء لغوية وقعت في التقرير.

إلا ان برهان جرار عضو اللجنة،
اعتبر ان انتماءاته السياسية للنواب
اثرت على صياغة التقرير.

وقال انه بصفته عضواً في
اللجنة لم يعرض عليه التقرير.

واثار ما طرحه جرار حفيظة د.
حسن خريشة، الذي طالب رئاسة
المجلس بان يتم الاعتذار علنا بدر
من جرار بحق الامنة، مؤكداً على
ان الاخير لم يحضر اجتماعات
اللجنة.

وجرت بعدها مشادة كلامية حادة
بين جرار وخريشة، ما دفع رئيس
المجلس للتدخل قائلاً: إن ما جاء
في التقرير مقدم من لجنة رسمية
للمجلس، وسيقدم امام النواب
لمناقشته، واي اراء او طروحات
يجب ان تتم خلال جلسة المجلس
ولا يحق لاحد الاعتراض على ما
جاء في التقرير الان.

واعتبرت اعمال المجلس معلقة بعد
اعلان قريع انتهاء الدورة الاولى،
حسب النظام الداخلي، وسيتم
الانتظار الى حين قيام رئيس السلطة
التنفيذية بدعوة المجلس للبدء في
دورته الثانية، ومن المتوقع ان تجري
انتخابات جديدة لهيئة الرئاسة،
وذلك وفقاً لما نص عليه النظام
الداخلي للمجلس.

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Al-Ayyam, December 16, 1996

"Gaza: Workshop about the Role of Parliamentary Committees in Oversight of the Executive Authority"

For a second day, NDI conducted a workshop in the Rashad Shawwa Center on "The role of the Legislative Council Committees in Oversight of the Executive Authority." The workshop examined the possibilities of developing relations between committees and ministries, and the role of legislature and executive in developing legislation. In addition, ways that the executive committee can adhere to legislation was discussed.

Mr. Nahed Rayees, the First Deputy to the Chairman of the Legislative Council, presented a paper about the relation between the ministers and special committees of the Legislative Council, and about the ways to discuss the budgets of ministries before showing them to the Parliamentary Council.

The Chairman said that the participation of the representatives of the Legislative Council in the workshop is occurring because the Council wants to benefit from the experiences of other Parliaments in a way that fits Palestinian society and its legislative needs. Moreover, he mentioned that some of the American associations and institutions invite representatives from the Legislative Council from time to time to participate in workshops about the democratic practices implemented in democratic countries.

Mr. Aubrey Mokoena, the officer of the Parliamentary Committees in South Africa, spoke about the experience of his country in defining the roles of committees, and the relation of committees to ministers. In addition, he spoke in detail about presenting statements in the Parliament, and how committees coordinate with ministries.

Mrs. Myrna Phillips, previous Canadian Parliamentarian, spoke about the experience of the Canadian Parliament, and the ways that committees make statements. She also spoke about the coordination between the representatives and ministries.

Council Member Jamal Shopaki pointed to the importance of having this workshop, because it gives information about the experience of other parliaments regarding how statements are made, how committees can perform oversight, as well as the roles of the ministries in relation to the committees.

It is worth mentioning that the National Democratic Institute for International Affairs started conducting meetings and workshops for Members of the Palestinian Legislative Council, in which foreign council members presented parliamentary systems from other countries.

Council Member Jamilla Sidam said that one of the

difficulties from which the Legislative Council suffers is not implementing decisions that are made from the economic committee. This is due to the permanent closure, and closed borders. In addition, Sidam said that there are recurring problems, including unemployment and the lack of implementation of economic projects from the executive committee increase the suffering of the people.

Ibrahim Abu Naja', Chairman of the security committee, said that one of the difficulties faced by the PLC is Israeli violations of the Oslo Agreement, as Israel is not implementing the economic and security articles from the agreement.

Mo'weah Al Masry mentioned that the non-cooperation from the executive authority "may be the result of a mistake," and may be because the oversight by the Council might cause concern that they are going to replace the executive authority.

Palestinian-Parliament

APn 1/31/97 20:17

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By SAMAR ASSAD
Associated Press Writer

HEBRON, West Bank (AP) -- The Palestinian legislators were steamed. Yasser Arafat had just negotiated a breakthrough peace agreement with Israel, but hadn't bothered to brief them.

The lawmakers were shown a copy of the Hebron accord -- belatedly. It had no maps and was written in English, a language many of them don't know.

"Why should we get a copy? We can just go and pick it up from the Hebrew newspapers," lawmaker Marwan Barghouti, the West Bank leader of Arafat's Fatah movement, said sarcastically.

In the end, Israeli troops pulled out of Hebron on Jan. 17, before the Palestinian legislative council had a chance to even debate the agreement.

The episode illustrates only part of the council's trouble in the year since the Palestinians made history by electing their first legislature.

The 88-member council, sworn in last March, is heavy with Arafat loyalists. Still, there is growing dissatisfaction over the Palestinian leader's executive branch, which has ceded the legislature little power and given short shrift to its advice.

The legislature lacks even a permanent home. Its weekly meetings most often are held in a converted classroom in the West Bank town of Ramallah. Last week, the legislators met in Hebron to mark the Palestinians' take-over of most of the city.

European nations offered to finance construction of a permanent parliament in the West Bank, but the council members declined. They said they would wait until they could make east Jerusalem their capital -- a goal opposed by Israeli Prime Minister Benjamin Netanyahu.

The council's greater obstacle may be Arafat's reluctance to share authority. In his days as chief of the Palestine Liberation Organization, Arafat enjoyed broad powers, noted Nabil Amr, an Arafat political advisor.

"For the first time there is a legislative council working on the ground beside the executive authority. It is the opposite of the way it was with the PLO," Amr said this week.

The legislature has passed major resolutions in the past 10 months, but few have been implemented, independent legislator Ziad Abu Amr said. "And we are far from achieving any success in the area of separation of powers."

Bills approved by the council to define the powers of each of the three branches of government have ended up -- unsigned -- in Arafat's bottom drawer.

"It could be that the executive does not want to be restricted by a constitution," lawmaker Ghassan Khatib said.

Hanan Ashrawi, a legislator and minister of higher education, acknowledged that, "there is frustration on the part of the council members and a bit of defensiveness on the part of the executive authority."

However, Ashrawi said both sides were learning on the job.

"We hope that in time ... the legislative council will understand the extent of its authority and the executive branch will understand that it is indeed subjected to monitoring by the legislative branch," Ashrawi said.

Khatib, head of Jerusalem Media Communication Center, said he doubted time alone would

said.

Khatib noted that Arafat frequently uses "national interest" as an excuse for ignoring council directives -- such as legislation calling for police to release detainees who are not charged.

"The justification is that, for example, detaining a Hamas member is in the national interest. It's hard to argue when national interest is used as the justification," he said.

But while the council may lack power, it apparently serves a purpose. Dalal Salameh, who ran on one of Arafat's hand-picked slates, said the Palestinian leadership mostly has used the council as a fig leaf.

"We are used to saying, `See -- we have a democratic society. We have a Palestinian legislative council,'" Salameh said.

POWERLESSNESS FRUSTRATES PALESTINIAN LEGISLATORS

Boston Globe [1/80]

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09030089 POWERLESSNESS FRUSTRATES PALESTINIAN LEGISLATORS Boston Globe (BG) - THURSDAY, January 30, 1997 By: Ethan Bronner, Globe Staff Edition: Third Section: National/Foreign Page: A1 Word Count: 1,206

TEXT: GAZA CITY - GAZA CITY -- The council members took their places, agenda folders and waiting microphones before them. The topic, the Hebron agreement with Israel, had been dominating world headlines for weeks, and now it was the turn of the elected Palestinian legislators to debate its details.

There was one problem: The accord had been signed and implemented the previous week.

Denied a chance by Palestinian leader Yasser Arafat to examine and discuss the accord beforehand, representatives from the West Bank and Gaza Strip were now faced with the humiliating prospect of a debate without consequence, another manifestation of their own irrelevance.

"There is no point in debating an agreement that has already been implemented," Dr. Haidar Abdel Shafi, a Gaza representative, lamented to his colleagues at the session last week. "But we have to discuss the fact that this council was entirely neglected before the deal was accepted or rejected."

One year after electing an 88-member Legislative Council, a historic exercise in democracy witnessed by thousands of journalists and widely seen as a dress rehearsal for political life in a future state, the Palestinians are confronting a harsh reality: Their representatives have no power.

The council has passed hundreds of resolutions, written the first draft of a basic law on separation of powers, and courageously confronted Arafat on numerous issues within its chamber. But the man who has symbolized and led the Palestinian cause for three decades has largely ignored it.

Arafat has failed to sign all but one law (on local governance); he has declined to assign a defined budget to the body; and he has not kept secret his view that the legislature and indeed the courts should be answerable to him.

"When the council was established, we thought we'd broken the monopoly of Israel as the only democracy in the region," said Ziad Abu Amr, a political scientist and council member. "It was a historic opportunity. But one year later I'm very skeptical. We are unable to deliver. I've almost come to the conclusion that the experience is a failure."

The comparison with Israel is not an isolated one. Throughout last week's meeting on the Hebron accord, member after member, even those associated with the militant Hamas movement, referred to the fact that Israel's Knesset, or parliament, plays a role they wish for themselves.

"I am worth every bit as much as any Knesset member," fumed Sheikh Wajih Yaghi, an Islamic activist and council member. "In Israel, the Knesset debated the Hebron accord before it was put into effect. But not here."

The fact that the democratic template that council members wish to copy is Israel's creates a kind of cognitive dissonance for many, since that same model has, in other respects, been the source of so many of the council's troubles in its first year.

For the first months of the council's existence, the Israelis imposed a complete closure on the borders of the West Bank and Gaza because of a string of suicide bombings. This meant that many council members were often unable to get to their own meetings and constituency.

It also meant many months of economic downturn for the Palestinians, who were unable to move merchandise or to make good on offers to foreign investors, thus placing intense strain on the society.

In addition, the election of the conservative Israeli Prime Minister Benjamin Netanyahu and the prospect of arduous negotiations with Israel over a whole set of issues have made many fervent advocates of democracy hesitant to create an internal political crisis with Arafat.

Other factors have also caused difficulties. The Palestinians operated within a guerrilla movement for decades and the organizational elements of that movement are still partly functional. Any Legislative Council will therefore take a while before finding its role.

Moreover, with Arafat exercising control and censorship over newspapers, radio and television, the workings of the council have received scant coverage, making many Palestinians believe that the members are in Arafat's pocket and resistance to his will is futile.

Yet, despite all these difficulties and the fact that two-thirds of the council members are from Arafat's own Fatah movement, many observers have been impressed with the independence shown by the council.

"I think the council has guts and I have a great deal of admiration for many of its members," remarked Khalil Shikaki, director of the Center for Palestinian Research and Studies, an independent think tank. "A year ago I thought the council would be nothing more than a rubber stamp. In fact it is a little more than that."

One early confrontation occurred last March 21 when Arafat expected each member to take an oath of allegiance administered by him. When the members insisted that the president of the high court perform that function, Arafat was outraged.

A compromise was reached when the oath was sworn before the council rather than the high court, but Arafat never got his way on that issue.

A month later, several council members condemned torture of Hamas detainees by Palestinian security forces. Arafat had his attorney general send a letter to silence the criticism, but the council voted to reject the letter.

There have been other examples. Not long ago, the council touched on the delicate topic of official corruption, passing a resolution criticizing the Palestinian Authority for "monopolizing trade in basic goods, especially goods necessary for the Palestinian economy, as it does

FOR LEGISLATOR, `A MISSION IN LIFE' PALESTINIAN'S CAR

Philadelphia Inquirer [1/83]

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09035015 FOR LEGISLATOR, `A MISSION IN LIFE' PALESTINIAN'S CAREER A SYMBOL OF ASPIRATIONS FOR A DEMOCRACY Philadelphia Inquirer (PI) - Tuesday, February 4, 1997 By: Alan Sipress, INQUIRER STAFF WRITER Edition: SF Section: NATIONAL Page: A03 Word Count: 1,417

TEXT: BETHLEHEM, West Bank - Salah Tamari bolts from his Land Rover and scrambles up the rocky hillside with the verve of a teenager, leaving a team of advisers and volunteers in his wake. It's only midmorning, but sweat is already beading up beneath his safari hat and soaking his olive work shirt.

A PLO guerrilla commander turned local legislator, Tamari climbs an outcropping of boulders and surveys his latest project: a dirt track sliced through the slopes east of Jerusalem to connect isolated Arab villages.

``People were surprised when we began to build this road," said Tamari, a tall war hero with thinning black hair and steely blue eyes. ``People aren't used to officials making good on their promises."

Actually, Palestinians aren't much accustomed to elected officials at all. Since Tamari and his colleagues in the 88-member Palestinian legislative council were voted into office a year ago, they have been quietly building not only roads but also an attempt at democracy, despite the resistance of their own president, Yasir Arafat.

They were elected under the Israel-Palestine Liberation Organization accords, which provided few details of their job description and little legal authority to enforce their resolutions. In makeshift chambers, they have been maturing into a truly independent branch of government, demanding accountability from Arafat's administration on a range of issues from public spending to human rights.

The more ambitious of these legislators, like Tamari, now dispense a full spectrum of constituent services, from settling family feuds to arranging liver transplants. They have begun to address conditions left by years of Israeli military control, and now by the weakness of Arafat's new ministries.

* As Tamari rides though the picturesque hills of the Bethlehem district, his gray Land Rover is repeatedly recognized. Young shepherds wave. So do roadside laborers and village women hanging laundry.

His agenda for the morning is already crammed. He plans to examine restoration work on an ancient stone building, and to inspect Bethlehem's aging slaughterhouse, which butchers accuse of overcharging. He also hopes to check in on a camp he has organized for teenage boys. And he must remember to get his computer printer repaired.

His top priority is to survey the new road to the remote village of Khalet Al Louz. Until now, the nearest route was three miles from the village. Village children trekked over the hills to attend school in another village.

Tamari pulls a computer printout from his overstuffed briefcase and looks up at Khalet Al Louz. No electricity or running water either, he says.

His volunteers, using money provided by the Palestinian Authority and a Western aid agency, are running a thin water pipe to the village. The money saved by volunteer work, he suddenly realizes, can pay to open a kindergarten in Khalet Al Louz. He places a call on his car phone asking staff to begin planning the kindergarten.

Scanning the surrounding hilltops, he considers continuing the new road to more distant villages.

He strolls through overgrown orchards in Khalet Al Louz, plucking figs, devouring them, remembering the tastes of childhood. He left as a college student and was marooned abroad when Israel captured the West Bank in 1967.

``This isn't a job for me. It's a mission in life," Tamari said. ``I've been in exile for so long, since 1963. I always dreamed of coming back. I'm trying to understand my country, to inhale every bit, and make up for what I missed."

Returning to his office in Bethlehem, Tamari sprints up the stairs. The office, donated by a supporter, is no plush parliamentary suite but a set of simple rooms with linoleum floors and plain walls.

A founding member of Arafat's Fatah party, Tamari commanded several PLO army units during Israel's invasion of Lebanon in 1982. He was captured and held at the Israelis' Ansar prison in southern Lebanon, where he led a revolt by inmates. He was later released and - pausing long enough to marry a former wife of Jordan's King Hussein - he resumed his political activities, returning to the West Bank after the 1993 Israel-PLO treaty.
When he arrives at his office, constituents are already crowding the waiting room. The volunteer staff is entering their requests into a computer, also donated.

``Sometimes I feel like the health minister because of all the medical cases I handle," Tamari said. ``Other times I feel like the construction minister - it's all cement and bulldozers - and other times, the education minister."

Emissaries from an outlying village appeal to Tamari to settle an inheritance dispute between two elders fighting over a tract of land. A man with a wispy white beard and a walking stick wants help obtaining Israeli permission for his brother to visit from Jordan. Two young activists propose a project to install drainage and bus shelters in a nearby refugee camp. A Bethlehem resident wants to lodge a complaint against a Palestinian policeman he says cursed him.

Tamari says he handles about two dozen cases a day. One villager is anxious to have his diabetic son moved from a Bethlehem hospital to a more modern facility in East Jerusalem. This emergency transfer requires the approval of the Palestinian health minister. Tamari places a call to the ministry. The minister's secretary puts him on hold, and Tamari flies into a rage, smashing down the telephone.

There is better news for another family. Tamari has arranged to send their 19-year-old son to the United States for a liver transplant. The elderly parents - a thin father with a

peasant robe - are grateful. They present Tamari with a huge bunch of grapes from their yard.

* Tamari hops from his Land Rover and up the front steps of the legislature building in Ramallah, his arms hugging his briefcase.

The council building, a converted girls' college, is one of several that hosts the legislature as it rotates among cities of the West Bank and Gaza Strip. The building has few facilities. Tamari has to make his own instant coffee, spooning it from a jar in a bare office.

As he enters the chamber - actually an unadorned lecture hall - he begins to lobby cabinet ministers. He buttonholes the public works minister to ask for money to buy bulldozers. He asks the communications minister to install a mobile telephone in one remote village. He corners the health minister and demands that the diabetes patient be transferred.

Tamari takes his seat at one of 10 tables arranged in the hall. The cabinet ministers sit at the head of the chamber.

About a dozen journalists are crowded into chairs along a back wall. The number of reporters is surprising. The official Palestinian television and radio stations, which answer to Arafat, ignore this rival branch of government; Palestinian newspapers have come under pressure from the administration to black out coverage of the legislature.

``The president wants to contain and tame the council," Tamari said. ``The council is untamable. We were elected to do a certain job, and we're going to do it."

Moments after the session convenes, the debate grows hot as members demand to be provided with a cabinet report into the death of a prisoner while in Palestinian police custody.

``We have to be given it to read," Tamari tells the chamber. ``It's an issue for the public, and the right information has to be provided to the people. Otherwise the rumors will spread."

One of Arafat's ministers agrees to present the findings of the investigation. Its recommendations are vague, failing to address the overall low regard for human rights in Arafat's government.

``Is the responsibility for this only on those who directly committed the abuses? Not on the people behind them? This is very dangerous," Tamari says, agitated. Other members murmur their assent. ``We want to fully examine this file and punish whoever's responsible."

The relations between Arafat and the legislators, most of whom also belong to Arafat's Fatah party, fluctuate widely. At times, their frustration with Arafat's failure to implement their resolutions builds toward outright mutiny. More recently, they have expressed resignation and despair.

``It's a turbulent relationship, like between a father and a son," Tamari said. ``It's a love-hate relationship. I don't want to be anybody's yes-man."

CAPTION: PHOTO

Salah Tamari, atop his office building with Bethlehem in the background, is a Palestinian legislator elected under the Israel-PLO pact. The council has sought accountability from Arafat's administration. (For The Inquirer / WENDY LAMM)

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DESCRIPTORS: PALESTINE GOVERNMENT POLITICS

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Palestinian Panel Charges Widespread Corruption by Arafat's Entire Cabinet

By Said Ghazali
Associated Press
Wednesday, July 30, 1997; Page A18
The Washington Post

RAMALLAH, West Bank, July 29—A Palestinian legislative panel today reported wide-ranging corruption -- including diversion of foreign aid donations -- in all 18 Palestinian ministries. It urged Palestinian leader Yasser Arafat to fire his entire cabinet and called for three ministers to be put on trial.

The panel was formed in response to an official comptroller's report that found $326 million of the Palestinian self-rule administration's $800 million annual budget had been squandered through corruption or mismanagement. While the panel has no legal authority, its report puts Arafat on the spot -- compelling him either to repudiate his political allies or face rising public anger over financial abuses.

The Palestinian leader quickly sought to cast the report in a positive light. His spokesman, Marwan Kanafani, praised it and said it provides "a strong basis" for cabinet revisions that Arafat was already planning.

Legislators and some members of Arafat's own administration, however, faulted the panel for failing to investigate whether Arafat played a role in any wrongdoing. "The mismanagement starts from the top -- way up on top," declared Husam Khader, a legislator from Nablus.

The five-member investigating panel was made up of members of Arafat's Fatah party and independent members of the legislative council, which has been locked in a power struggle with Arafat over its role as an elected lawmaking

body.

Although the report does not fault Arafat personally, analysts say it could jeopardize his standing should he fail to act on it. The panel's findings come at a time of increased anger among Palestinians over brazen shows of wealth by government officials, including the purchase of huge villas and numerous expensive cars.

The report declared that the cabinet had failed to follow up reports of mismanagement, and it urged Arafat to replace it with one "made up of technocrats and qualified people." It also recommended criminal trials for three cabinet ministers, including Nabil Shaath, the chief negotiator in peace talks with Israel, who is accused of charging his home telephone and electric bills to the government.

Among other allegations in the report are: Information Minister Yasser Abed Rabbo used $7,500 in ministry funds to pay for central heating at his home; Transportation Minister Ali Qawasmeh accepted bribes to license cars that did not meet road standards; Civil Affairs Minister Jamal Tarifi allowed illegal exemptions from customs duties for more than 4,300 cars, including a Jaguar for his father; Tarifi's Civil Affairs Ministry and Shaath's Planning Ministry misappropriated funds from unnamed foreign donors.

Besides Shaath, the panel called for putting Tarifi and Qawasmeh on trial. Both strongly denied wrongdoing. Shaath accused the panel of being "out of touch with reality" and said it never approached his ministry for information.

Agriculture Minister Jawad Saleh criticized investigators for stopping short of Arafat's office. "The report is important because it is a first attempt by the legislative council to look into offenses by officials," Saleh said. "But it is not comprehensive and . . . does not deal with sensitive issues like security organizations and the office of the president. I blame the president."

Arafat's administration has been buffeted by other recent allegations of corruption and mismanagement. In June, attorney general Khaled Kidrah stepped down after being accused of pocketing bail money and taking bribes from prisoners.

International donors have pledged $1.5 billion to Arafat's three-year-old administration, including $225 million from

the United States. But far less has actually been delivered, in part because of concerns about lack of accountability.

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THE JERUSALEM TIMES
February 14, 1997

Palestinian Legislative Council - Year One

by Husam Izzeddin

ONE year ago, Palestinians were overjoyed when presidential and legislative elections took place for the first time in the history of Palestine. There was wide-spread national excitement, and high expectations regarding the elected national council.

The first session of the The Palestinian Legislative Council (PLC) was held in Gaza on March 21, 1996. Since then, Israel has been relentless in its efforts to prevent the PLC from carrying out its duties. On more than one occasion it has prevented PLC members from attending council sessions, an act which President Arafat described as a blatant violation of what had been agreed upon between the Palestinians and

The survey also showed that compared with the performance of all other Palestinian institutions, the PLC ranked as the least efficient. The President's office was given a 76% rating; police and security agencies 73%; the Ministerial Council 63%. The PLC was given a borderline rating of 50% for effectiveness.

Only 10% of those taking part in the survey assessed the council's performance as being "very good", while almost half of those interviewed believed the council was not capable of solving their problems. According to the survey, 45% of participants do not follow the council's activities on a regular basis.

PLC mechanism

During its weekly sessions,the council depends upon reports submitted by the various committees which meet two days prior to the council meeting. Those committees discuss all relevant issues in great detail before presenting their recommendations to the PLC,

between the Palestinians and Israelis. In fact, Israel's refusal to allow free access to PLC members is considered one of the main obstacles which prevents the council from achieving its goals.

Today, one year after that first meeting in Gaza, the majority of PLC meetings are held in Ramallah. Al-Ayyam daily newspaper carried out a daily follow-up of PLC sessions and met with PLC members and local residents to gain a better insight into the activites of the PLC during the first year of its operation.

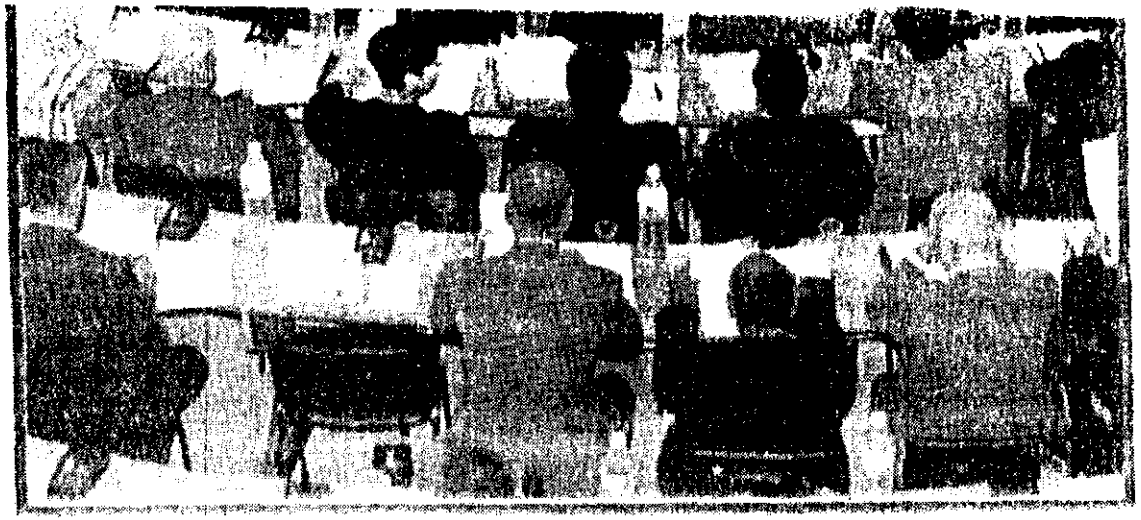
One local resident, who requested anonymity, was blunt when giving his opinion regarding the PLC and its members.

"They are useless," he said. "A whole year has passed, and all the members seem to have done is to attend sessions of the council."

Many Palestinian citizens expressed a desire to attend the council sessions and observe the debates, something which is allowed by law. Professor Othman Sharkas, a lecturer at Birzeit University, said he had attended two sessions and was of the opinion that the council members are being forced to deal with too many matters at the same time.

"Unfortunately, the council appears unable to fully implement the various laws," said Sharkas. "I feel there is a large gap between the PLC members and the people; I lived in Europe for a long time and noticed a strong relationship between members of Parliament and the people they represent."

Sharkas believes the PLC should make more effort to accurately represent the Palestinian people, by whom it was elected. As for the apparent inability of the council to implement its laws, Sharkas said that it is difficult to pinpoint the reasons behind this failure. He added that he had participated in the election of representatives in his area because he believed that the council would fulfill the hopes and aspirations of the Palestinian people by applying democracy and spreading public awareness of major issues. According to Sharkas, the council should act as the "eye" of the people, focused on the government.



NASCENT DEMOCRATIC PRACTICES - PLC's inaugural session, Gaza, March 1996

Sharkas noted there is a vast difference between what PLC members promised during their election campaigns and what they have accomplished to date. He accused many of being afraid to tell the truth, due to a desire to protect their own interests.

Another local citizen, a salesman by profession, said the role of the PLC was a minor one, and referred to its resolutions and laws as being nothing more than "ink on paper." He added: "I follow the council's sessions through the local press. Most of the resolutions passed by the council have little relation to reality and I have reached the conclusion that they are worthless."

Sheikh Hassan Yousef, who is associated with Hamas, which rejected participation in the elections, also accused council members of being out of touch with the political reality in the area. In addition, he emphasized the failure of the PLC to release the majority of political detainees, despite its previously stated rejection of their imprisonment.

Despite the negative picture painted by some local residents, many others seek the council's assistance on a regular basis, either directly or though the various committees. Recently, Birzeit University students went to the council to object to the arrest of a number of students from the university, and asked the council to demand of the PNA that it ensures their release. In fact, there is every indication that a growing number of individual citizens, committees, companies and institutions regard the PLC as some kind of saviour, capable of solving all their problems. However, according to the results of a survey carried out by the Palestinian Studies and Research Center, published in December 1996, an estimated 92% of citizens have never sought the council's help or advice concerning their problems. Citizens claim this high figure could be attributed to a general lack of awareness of the activities of the council, a situation which, they believe, could probably be turned around if Palestinian TV gave more coverage to the council's sessions.

which subsequently transfers them to the Executive Authority. Special sessions are sometimes held in order to discuss urgent issues, such as Jerusalem and settlements. It should be noted that originally the committee reports were distributed among PLC members only a few hours prior to council sessions; however, this policy was ended when it became clear that members were being denied adequate time to study the reports and make their suggestions.

Relationship to PLO

The PLC is different than other Palestinian institutions because it is the outcome of the first democratic elections. Although some PLC members act as though they are somehow 'special' because of their unique status, all admit that the PLO is still the leading power behind the Palestinian people. This was confirmed by Ahmad Qrei, the head of the PLC, who has repeatedly defined the role of the PLC, as agreed upon with the Israelis, as being that of issuing laws and legislation relating to the daily life of the Palestinian people.

Frustration

A total of 135 resolutions were passed during the 34 council sessions held to date. At session number 33, held at Ramallah, the council discussed the issues of the repeated absence of council members and the present trend of many to leave half way through a session. Dr Abdul Shafi pointed out that both problems are due to the

feelings of depression and frustration which PLC members suffer from due to the non-appliance of council resolutions by the Executive Authority.

Dr Ziad Abu Amr brought up the afore-mentioned problems relating to the lack of morale amongst PLC members during session number 34, and demanded that no further laws be debated until previous ones be passed or approved.

Also at session 34 several PLC members called for a vote of no confidence in the present government, but the issue was not discussed. Instead, the President of the PLC and the General-Secretary purposely postponed the matter in order to find a compromise formula to satsify both legislative and executive demands. The Vice-President of the PLC stated that the proposal had not been presented in accordance with the internal system, which demands *that it be directed to the concerned* minister who should carry out the necessary investigations before formally presenting the vote of no confidence, which, in this case, did not happen.

PLC cars

It is generally believed that the sub-standard living conditions of PLC members might possibly have a negative affect on their performance. However, PLC Gen-

REVOLUTIONARY - Women are recognized as representting the progressive wing of the PLC

mance. Whilst debating this issue, PLC member Salah Al-Tamari demanded that the Presidential Council do its best to maintain its *status and the non-participation of* the ministerial council at its meetings.

The Speaker of the PLC, Ahmad Qrei', emphasised that the meetings in which the Head of the Council participated were Palestinian leadership meetings in which members of the executive committees and the presidents of the national and ministerial councils also participated. He said it was vital that the meetings of the Ministerial Council and the Pales-

an agreement on Hebron had been reached, the various governmental institutions would be able to hold their own private meetings and better carry out their duties.

Parliamentary inexperience

During the past year it became very clear that PLC members suffered from a lack of parliamentary experience, which was not at all surprising since they comprised *the first ever Palestinian legislative* council. Not unaware of their failings, the council sought the advice of local and foreign Arab experts, especially from Egypt

other parliaments and reached the conclusion that PLC members were still in need of more training.

Absent members

During a session held to debate the Civil Service Law it was noted that only 25 out of a total number of 88 members attended, and many of these left half way through the proceedings. Rouhi Fatouh complained that tighter control should be maintained over *PLC members, especially since* several had adopted the practice of registering their names at meetings and leaving within the hour.

and equality between men and women, as called for by a specific article in the Basic Law. Salamah added that through the Civil Service Law it should be possible to protect the rights of working women, such as maternity leave and the right to breast-feed during working hours.

Policy issues

The Hebron issue clarified the relationship between the Council and politics. The Council regularly listened to reports by the head of the negotiating team, Saeb Erekat, or the head of the negotiations department, Hassan Asfour. The council praised the role of Erekat and his refusal to renegotiate what had already been agreed upon, but criticized both Erekat and Asfour for not involving its members in the negotiations. Furthermore, the Council demanded that an official PNA delegation inform council members of the details of the agreement.

PLC member Othman Ghashash said he could not accept the idea that he is allowed to deal with civil service issues but cannot participate in political ones, while the General-Secretary said the Executive Authority belittles the role of the legislative council. The General-Secretary's opinion was seconded by Zaid Abu Amr who insisted that the fact that the Hebron Agreement was not presented to the Council after being

maintains that the living conditions of PLC members are enhanced by the various benefits associated with membership of the council.

Referring to the repeated requests made by PLC members for private cars, Fatouh confirmed that the President had already approved the issue of a new car for each PLC member, but that those were still at the agency due to financial probles. It was observed that many PLC members are already in possession of brand new expensive cars, while others are obliged to make do with second-hand ones and others have no vehicle at all.

Leadership meetings

During the council's last session, a call was made for the non-participation of the Chairman of the Council at meetings of the Ministerial Council or the PLO Executive Committee.

The call was made in order to allow the PLC to carry out its role as an observer of the government's performance without bias. PLC member Azmi Al-Shuabi believes the request was meant to reinforce the position of the Legislative Council on the one hand and define the real role of the Ministerial Council on the other. He said there should be special sessions of the Ministerial Council, during which the Legislative Council would be able to observe and better judge the government's performance.

tinian Leadership be sometimes joined together.

Minister of Labor, Samir Ghosheh noted that the negotiations with the Israelis had prevented the holding of ministerial council sessions, hence there had been an emphasis on meetings of the Palestinian leadership which included all the Palestinian institutions. Ghousha added that President Arafat was the one to call for leadership meetings concerning the negotations, and said that now

Kamal Al-Sharafi, the Director of the Committee of Freedoms and Supervision of Palestinian Authority Institutions, said it could not be denied that PLC members lack parliamentary experience, and that gaining experience takes time. Sharafi pointed out that the Committe in particular, and the Council in general, had committed many mistakes during the last parliamentary year, all of them due to the lack of experience. Rouhi Fatouh said that a special team had visited

Women: a positive role

Five women won the legislative elections; three of these are members of the PLC, while two hold positions with the Ministerial Council.

PLC member Dalal Salamah believes that it is the duty of all female representatives to advance the position of woman in society and participate in applying some of the basic female demands. She believes that the Palestinian society should be based on democracy

DIVERSE COMPOSITION - Islamic party members speak up

signed was generally perceived as a sign of disdain for the Council. Amr added that the PLC should at the very least have been given access to the document, especially as it had previously made substantial contributions to discussions on other issues, such as Jerusalem and settlements.

Executive Authority

PLO Executive Committee member, Samir Ghosheh, upon being questioned about the PLC's performance during its first year of existence, said there is no doubt that the election of a legislative council was a step towards democracy, as for the very first time the Palestinians had been able to elect their own representatives.

Ghosheh added that PLC members had gained valuable experience during the past year, and expressed his wish that the Council be granted the full support of all Palestinians, including the PNA. In general, Ghousheh added, the PLC, like all other Palestinian institutions, has carried out its tasks in a satisfactory manner.

Concerning the relationship between the executive and legislative authorities, Ghosheh believes it should be clarified and given more definition. He continued to say that there is a spill-over between the authority and mechanism of both institutions, which needs to be dealt with if each is to play its own specific role.

Council should be making laws, not suggestions

To the Editors,
I read with great interest publisher Ghassan Khatib's article *Why the Legislative Council has an Image Problem: Executive Ignores Council Resolutions* [October 25].

As one who has closely observed the Palestinian Legislative Council since its inception in March of last year, I too have noted that the Council has issued numerous resolutions and has decried the executive's "failure to implement" those resolutions. The Council members repeatedly make note of this phenomena and wonder what is to be done.

Your article assists in the analysis of this issue by noting that the Council's resolutions fit within three categories. The three you suggest are: first, resolutions that cannot be implemented because they deal with issues outside the realm of the Palestinian Authority according to the peace agreements; second, resolutions that are not affirmatively worded and instead "resemble grassroots leaflets, political communiques or and editorial essay;" and third, resolutions that concern issues within the PA's jurisdiction but that are ignored by the Authority.

As an example of resolutions falling within the latter category, you provide the following, adopted by the Council in May, 1996: "The Council demands that the Executive Authority release students held by the security forces..." and "The Council requests that the Cabinet stop monopolizing trade in basic goods..."

What your article fails to underscore, however, is that these resolutions call upon the executive to undertake certain actions, but they do not mandate, by law, that the executive do so.

Council members — as well as Council observers — need to take note of the distinction between adopting resolutions and passing laws. Legislatures around the world have a variety of mechanisms by which they make their will known. The US Congress, for example, has the authority to pass resolutions and to adopt laws. Resolutions are used merely for expressing facts, principles and opinions and do not require executive action ... Resolutions, unlike bills, do not mandate executive action and thus are not presented to the President for signature.

... Legislatures employ resolutions for a host of reasons. First, proponents of a particular measure may not have a majority to support them if they were to prose a binding law but do have a majority to voice a sentiment of concern. Second, legislatures do not necessarily want to decide all issues. In some cases, such as moving an embassy, for example [i.e., the US Embassy from Tel Aviv to Jerusalem], they may wish to curry domestic political support without assuming the responsibility of actually taking official action. Third, at times legislatures simply want to voice a point of view and shape the political environment within which the executive will make a decision.

Thus, the Palestinian Legislative Council need not be alarmed when its resolutions are not implemented. The LC is in good company, and it can continue to issue resolutions when it wishes to send a signal to the executive of its position on a matter of public concern.

On the other hand, for the legislature to fulfill the mandate for which it was elected — to share governance of the West Bank

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High Court rejects residency rights

PALESTINIAN LEADERS HAD hoped to be able to block efforts by Israeli to remove Jerusalem residency rights from Palestinians with an appeal to the Israeli High Court.

But those hopes were dashed last week when the Court rejected an appeal by a Jerusalemite who is to be deported because Israel has taken away his residency rights — thus validating an Interior Ministry policy of canceling such rights for any Palestinian who cannot prove continuous residency in the city.

Palestinian officials say 60,000 Jerusalemite Palestinians, living outside the borders of the city as drawn by the Israeli authorities, stand to be affected by the decision.

The High Court rejected an appeal by Fares Bustani, 47, a Jerusalemite living in Jordan, who still holds a Jerusalem ID. Bustani said that although he went to Jordan to seek work, he has continued to return to the Palestinian territories at least once a year for the 20 years he has lived outside. The High Court took the unprecedented step of confiscating his ID, echoing the policy of the Interior Ministry, and he will now be forced to leave the country.

Palestinian legal experts have the following advice for Jerusalem ID holders at risk of losing their residency rights:

1) Do not appeal a confiscation order in the Israeli courts, as the precedent now is that you will lose your ID; 2) If you feel threatened with such measures, go immediately to human rights organizations and the Orient House for legal advice; 3) Do not hand in your Jerusalem ID if Israeli authorities ask for it at the Interior Ministry; 4) Do not go to the Interior Ministry unless it is an emergency; 5) If a female Jerusalemite marries someone from abroad, she should apply immediately for family reunion.

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and Gaza with the PA — the LC can and should also adopt laws mandating executive action. Thus, for example, rather than issuing a resolution "demanding" the release of students held by the PA, the Council should pass a law requiring that persons held in detention be brought to trial or released within a 60-day period.

Similarly, instead of requesting that the Cabinet stop monopolizing trade in basic goods, it could adopt a law regulating trade in basic goods and ensuring that monopolies are prohibited and severely sanctioned. In order to become laws, these bills would require presidential signature.

The Council has recently turned its attention to consideration of the draft Civil Service law and is intent on moving from the mere adoption of resolutions to the passage of laws. If the Council continues to move in the direction of adopting laws, and adopts resolution only as political messages with no expectation of implementation, its image problem will surely diminish.

One would hope that in its place, the Legislative Council would become well known as an important and effective democratic Palestinian institution.

Sincerely,
Susan R. Benda, Esq.
Senior Program Officer,
Democratic Governance
National Democratic Institute for International Affairs

On the First Legislative

by Haidar Abdul Shafi

The election of a Legislative Council for the Palestinian people in the Occupied Territories, on January 20, 1996, was doubtless a momentous event. Its importance is not diminished by the fact that it took place as a result of the controversial Oslo agreement, which some viewed as unsatisfactory. Voting and elections are a legitimate right, which contribute to the broader goal of self-determination.

Despite the circumstances under which we live, and the challenges we face, the Palestinian electorate responded to the elections with enthusiasm and a high voter turn out. This reveals a trust and interest in elections by the people. The high turn out meant that Palestinians entrusted members of their community with the responsibility of defending the people's political and social rights, and rights outlined in international resolutions.

The people also gave the elected members the responsibility to organize civic life through a system of laws, at the foremost of which would be the Basic Law, encompassing the key principles by which to organize Palestinian life. Of the most important of these principles are the separation between the governing legislative, executive and judicial authorities, the rule of law and respect of human rights.

Elections brought about the system which would implement these principles, and protect Palestinian interests. The president of the Palestinian Authority, who was directly elected by Palestinians throughout the Occupied Territories, shares these responsibilities with the Legislative Council.

The relationship between the Council and the president of the PA is expected to be one of cooperation, coordination and mutual respect, so that both may perform their duties of protecting the people's interests and rights to the best of their abilities. The main prerequisite for defending the people's rights is respecting the rule of law, and ensuring public freedoms within the realm of law.

The Legislative Council's main task is to promulgate laws, to ensure that the laws governing society are suitable to the purpose, and that law rules over all. These responsibilities are also reflected in the relationship between the legislative and executive authorities, observed in constitutional systems throughout the world:

a. The Council is able to give its opinion on the government suggested by the head of the executive authority, by approving it or giving it a vote of non-confidence.

b. The legislative authority has the right to demand that the government, or members of the government, give explanations regarding government actions, and to give an opinion regarding these actions.

c. The Council may take decisions, binding to the government, concerning the latter's adherence to the rule of law, justice

The author is a Legislative Council member and the head of the Democracy-Building Movement. This piece first appeared in Al-Quds *on December 30, 1996.*

Year of the Council

and to protecting the rights of the people.

d. The legislative authority is allowed to study the budget prepared by the government, discuss it, give opinions concerning its content, and then either endorse or reject it.

It should not be imagined that the legislative authority is in full control of the executive authority, because the Council makes its decisions in a fully democratic manner, through voting, and with the participation of the elected members of the government. Laws that pass a first reading by the Council are put before the government for approval, and can be returned to the Council for a second, and even a third, reading, if the government so demands.

In this relationship between the authorities, and in the democratic process, the head of the National Authority holds special status. The president of the Authority is directly elected by the residents of the Occupied Territories, and has the same responsibilities as the Council members; it is therefore only natural that the relationship between the Council and the Authority be one of cooperation and interdependence, a relationship which should be safeguarded by the head of the National Authority and the government on the one hand, and by the head of the Legislative Council and the deputies on the other.

Many wonder about the nature of the relationship between the Legislative Council and the Palestine Liberation Organization, and how the roles of the two bodies complement each other inside the Occupied Territories. This issue is still unclear, and is often the source of conflict between points of view. The following points, therefore, should be made clear:

Firstly, the PLO is the only legitimate representative of the Palestinian people, until the Palestinian national goals of independence, right of return, and the forming of democratic national institutions, are realized.

Secondly, President Abu Ammar [Yasser Arafat] is the elected president of the Executive Authority in the Occupied Territories, and he is also the head of the PLO and the PLO Executive Authority; he is also head of the PNC, the highest authority of the PLO.

Thirdly, the members of the Legislative Council are automatically members of the PLO, and its National Council.

It is also necessary to clarify the following points:

a. The Legislative Council is the elected legislative authority of the residents of the Occupied Territories, and its duties extend until the end of the [Oslo agreement's] interim phase, or until the national goal of founding a Palestinian state on democratic bases is achieved.

b. The Council's source of reference is the Palestinian electorate in the Occupied Territories, and no other body.

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Palestinian democracy best weapon against Israel

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c. The Council's authorities and responsibilities are the concerns and problems of the daily lives of residents of the Occupied Territories, to be dealt with in cooperation with the head of the National Authority and the Executive Committee on democratic bases, and with a spirit of cooperation and group responsibility.

d. The political Cause is the responsibility of the Palestinian people, represented by the PNC and its institutions, the [PLO] Central Committee and Executive Committee.

The following points are then also relevant:

a. The daily concerns and issues of the residents of the Occupied Territories are the concern of the Legislative Council and Executive Authority.

b. Political decisions are to be taken by the head of the Executive Authority, because he is also head of the PLO. However, the PNC has the final say in endorsing or rejecting these decisions, and the PNC must consult the Legislative Council.

Has the Legislative Council, however, fulfilled the role it was elected to perform? Has it been true to the responsibilities the electorate entrusted it with?

Opinion polls conducted on this subject have found that the people have so far been disappointed by the performance of the Legislative Council, and some have even described the Council as a failure.

The Council has not yet been able to pass the Basic Law, which was to form the backbone of constitutional life and democracy, and which was to bring about the rule of law, respect of human rights, and defence of the people's interests.

In addition, the Executive Authority has ignored most of the Council's resolutions thus far, and the people have taken to criticizing the Council for the lack of action taken concerning their demands and needs.

My purpose in bringing up this issue is to make the point that the law, and the legitimate needs of the people, must be respected. This can be accomplished only through the positive interaction between the legislative and executive authorities, according to the principles of constitutional systems and democracies throughout the world adhere to.

If this complementary relationship between the authorities is the norm in countries where the government and the people are sovereign over their own land, we are so much more in need of it, facing as we do an enemy which occupies us, and denies us our legitimate rights of statehood, the right of return, self-determination, and sovereignty over Hebron and Jerusalem.

And in addition, our most valuable weapon in fighting Israeli financial and military superiority is to work on building a democratic Palestinian society, capable of organizing itself, and making use of its resources in an efficient and creative manner.

An organized democratic Palestinian society would automatically incorporate our peoples' various religious ethics and moral codes. Such a society would be strong, respected, and force Israel to recognize its legitimate rights.

APPENDIX I: RESULTS FRAMEWORK

SUMMARY of USAID and NDI RESULTS
Cooperative Agreement 294-0007-A-6591-00

Objective/Results	Indicators	Baseline	End of Agreement Status	Link to USAID Results
Increased capacity of PLC economic committee to consider legislation and encourage public participation in policy making process	Economic committee holds public hearings Economic committee identifies and utilizes independent expertise in its review of legislation	0 Not done	>0 Has become part of standard process for reviewing legislation	IR 3.2.2: PLC develops enhanced legislative and deliberative capacity
Increased efficiency and clarity of and adherence to plenary procedures	Increased adherence of plenary proceedings to Standing Orders	Minimal adherence of plenary proceedings to Standing Orders	Greater adherence of plenary proceedings to *Standing Orders leading* to more efficient consideration of legislation	IR 3.2.2: PLC develops enhanced legislative and deliberative capacity
Increased capacity of the PLC to exercise executive oversight	PLC summons executive branch to testify at hearings and respond to legislative inquiries	Not formally done	Incorporated as formal part of PLC operations	IR 3.2.2: PLC demonstrates increasing ability to exert oversight of Executive Authority

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Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Since 1983, NDI has compiled a remarkable record of achievement. The Institute supports the efforts of democrats in every region of the world to:

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of civil society. Democracy depends on these mediating institutions, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI is the world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries worldwide, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in 40 countries, NDI leverages the skills of its highly committed staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.