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ELEVENTH QUARTERLY REPORT

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

April 1-- July 15, 2008

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SECTION 1: EXECUTIVE SUMMARY

This report covers the period between April 1 and July 15, 2008¹ of the Strengthening the Accountability and Transparency of the Legislative Process (**BAYAN**) project in the West Bank and Gaza. The work plan was approved on November 7, 2007 and is designed to strengthen the Palestinian Government's ability to research, analyze, draft and implement effective legislation and also support civil society's efforts to participate in the policy-making processes, create linkages between decision makers and the wider public and hold governmental institutions accountable for their performance.

During the reporting period, and at the request of USAID, BAYAN developed and submitted an option year concept paper totaling \$1.5 million to extend BAYAN's end date from July 1, 2008 to September 30, 2009. The concept paper proposed a number of key interventions and activities in support of the Palestinian government legislative plan. As BAYAN awaited a decision on the concept paper, the project continued closedown preparations and, at the request of USAID, delayed implementation of some project activities to stretch the program thru July 2008 in case the option year was approved and funds were not available until August 2008.

USAID did not approve funding for an option year, and BAYAN immediately accelerated remaining project activity implementation and continued closedown procedures. BAYAN notified USAID that the project office would closedown effective July 15, 2008 to allow for an orderly completion of all sub-grant activities. All planned project activities were completed before the end of the reporting period and closedown is also completed.

A summary of accomplishments during this reporting period include:

- One new sub-grant agreement was signed (in addition to the five that began implementation during the previous reporting period), with USAID approval, with a West Bank Palestinian civil society organization (CSO). The new grant provided the opportunity for CSOs, constituencies and government to

¹ Due to the fact that this is the last project quarterly report, the reporting period covers the period between April 1-July 15; the date when the project is officially closed.

promote mutual partnership and allow for CSOs to effectively engage in the public policy process.

- Designed and conducted Legislative Drafting consultations and on the job training workshop targeting legal advisors working in the Social Affairs and Justice Ministries and the President's office.
- Designed and conducted the second phase of a Regulatory Impact Assessment (RIA) training workshop targeting senior legal staff representing various ministries and PA institutions.
- Organized and conducted two training programs (one each in West Bank and Gaza) to develop advocacy and oversight capabilities of CSOs.
- Designed and conducted a training program to build the capacity and skills of partner Palestinian CSOs and media outlets in the West Bank to disseminate quality information and enhance media coverage of the legislative and policymaking processes in Palestine.
- Continued to conduct numerous meetings with legal staff from PA Ministries and other PA institutions to introduce BAYAN, invite participation in the RIA and legislative drafting courses, and conduct informal needs assessment. Demand to participate in the trainings and utilize RIA and legislative drafting skills is very strong in key Ministries.
- Provided USAID with timely and critical updates related to PA legislative work.

SECTION 2: MECHANISMS FOR INCREASING ACCOUNTABILITY AND TRANSPARENCY IN THE LEGISLATIVE PROCESS IN THE WEST BANK AND GAZA

3. STRENGTHENING ACCOUNTABILITY AND TRANSPARENCY IN THE LEGISLATIVE PROCESS²

3.1 CSO Monitoring and Evaluation of the Legislative Process

During the reporting period, the BAYAN team assisted a select number of partner CSOs to develop their skills to oversee, analyze and report on the policymaking and legislative processes.

A. Budget Analysis: Tool Development and Training

During the reporting period, the BAYAN team continued to follow up with partner CSOs and PA ministers who participated in the public budget analysis training program organized during the last reporting period. The BAYAN team has received very positive feedback from participants on how the training program was useful in equipping participants with necessary tools and skills in budget analysis. Iyad Krunz , Director of Palestinian Commission for Human Development (PCHD) commented on this by saying, “After this training course, it is easy now for my organization to analyze budgets and financial statements and to provide financial information to the beneficiaries in my organization to enable them to provide advocacy based on this information.” Also, Fatema Al Shurafa from Civitas added, “I have acquired professional experience and skills through this course which will develop our capacity and strategies to be able to better use financial information and analysis for advocacy related purposes..”

² The *BAYAN* project has retained the numbering and titles of the tasks and sub-tasks as they appear in the original contract and the approved work plan.

B. Oversight Training and Mentoring

BAYAN conducted two legislative and public policy oversight and advocacy training workshops, one in the West Bank on May 25-29 and one in Gaza on May 28, 29 & June 1-3. Led by local consultants, Aref Jaffal in the West Bank and Iyad Krunz and 'Ala Ghalayini in Gaza, the trainings targeted 22 staff representing 11 CSOs in both areas. The trainings were designed to strengthen the capacity of CSOs to formulate, lead and implement professional oversight and advocacy strategies that meet international standards. Topics presented were diverse ranging from ways to develop issue-specific (youth, women, unemployment, etc.) advocacy campaigns, possibly linked to the PA's legislative agenda and suitable mechanisms for implementing these campaigns, to how to mobilize and engage the wider Palestinian community and policy-makers at all levels, and how to utilize media and information, including results from monitoring efforts to carry out advocacy activities, and coalition and alliance building skills.

The feedback from participants showed significant benefit as all indicated that the topics discussed are very much relevant to their CSO responsibilities and that skills acquired are necessary to help them better design and implement advocacy and oversight related activities. Samples of feedback are as follow:

- "The training and issues discussed are likely to encourage me to create an advocacy and oversight unit within our own organization."
- "The training provides a pivotal platform to develop policies and strategies and to identify needs."
- "The overall discussion furnished me with new knowledge, especially on issues related to oversight."
- "The training will make our life easier when planning for advocacy and oversight related activities."
- "The skills gained will help in launching and managing a constructive dialogue that is based on genuine understanding."
- "It is now easy to understand the importance of working in coalitions."

C. Promote Expanded and Informed Media Coverage of the Legislative Process

In a joint effort, BAYAN and the USAID-funded Internews ASWATONA project conducted a training program to build the capacity and skills of partner Palestinian Civil Society Organizations (CSOs) and media outlets in the West Bank to access and disseminate quality information and enhance media coverage of the legislative and policymaking processes in Palestine. The training was conducted April 6-7, 2008, targeting 12 representatives from 7 CSOs and 9 journalists representing 8 media outlets in the West Bank. The

workshop was led by a local consultant, Ms. Wafa' Abdel Rahman, with direct assistance and supervision from BAYAN and ASWATONA technical teams.

The main objective of the assignment was to provide practical training to partner CSOs and media outlets in the following areas:

- Strengthening the capacity of CSOs and media outlets to collect, analyze and disseminate governmental information on the legislative and policymaking process.
- Understanding that international best practices for access to governmental information, including legislative information, are more advanced and reliable in comparison with government and PLC practices.
- Declaration of assets: Identifying different methods, including international experience, regarding public officials' declaration of assets.
- Identifying, collecting, analyzing and publicizing key legislative and policy documents.
- Identifying key governmental and legislative data either not readily available, not available, or considered confidential.
- Having a basic understanding of how CSOs can obtain and/or prepare records to measure the performance of decision makers in the executive and legislative branches.
- Designing an effective information dissemination strategy using governmental and legislative records.
- Coalition and alliance building skills between BAYAN partner CSOs and media outlets, especially those partnering with Internews.

3.2 Strengthening Governmental Legislation Review and Drafting Skills

The second phases of the Regulatory Impact Assessment (RIA) and legislative drafting trainings conducted during the reporting period came at a critical juncture as the Palestinian Government was in the midst of implementing an ambitious three-year legislative agenda. Many of the trainees are instrumental in ensuring that the critical legislation and regulations proposed in the agenda are developed and drafted and can be effectively implemented. Following the phase 1 trainings, participants requested urgent assistance from BAYAN to provide training and mentoring on actual priority policies and laws they were in the process of developing. In response to their call for assistance, and with the approval of USAID, BAYAN and the same trainers from phase 1 modified the

design of the second phases of the trainings to incorporate the needs of the PA technical staff. Accordingly, these training provided direct support to the legal advisors with ministries to meet the government legislative agenda goals and to craft legislation which resolves increasingly complex social problems.

Legislative Drafting Training/Consultations. BAYAN conducted the second phase of Legislative Research and Drafting consultations/trainings from June 9-12, 2008 in Ramallah. Prior to the training, BAYAN staff met with legal senior staff from the Ministries of Social Affairs and Justice and the Office of the President to identify priority legislation that would be the basis of the training/consultation. The legislation chosen included Chapters 8, 9 and 10 of the Child Law (Social Affairs), Charitable Societies and NGOs Law (Justice), and the Judicial Authority Law (President's Office). All three bills are priorities of the PA, complex and politically sensitive. Prior to the training, the bills were translated and shared, along with issues and questions raised by the drafters, with the trainer, Dr. Lorna Seitz, the Director of Research and Training at the International Consortium of Law and Development, Boston University. Dr. Seitz prepared comparative examples of what effective solutions to the issues at hand might look like. Her focus was to ensure that the laws outline clear objectives and a realistic system for achieving them, including specific legal standards for which implementing agents are accountable.

Dr. Seitz then met with representatives from each of the three institutions to discuss issues raised by their legislation and how to use the research and drafting methodology introduced in Phase 1 of the training to identify the root causes of the social problems and to choose legislative provisions that are logically suited for altering the causes of problematic behaviors. The participants articulated the need for more participatory policymaking and enforcement processes. On the final day, Dr. Seitz met with all participants together to discuss common issues and solutions and to allow participants to critique proposed solutions offered by their peers.

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

Shadi Ayyad, the head of the legislative drafting unit at the President's office, said, *"the timing of this exercise is very much critical for me as my supervisors including the legal advisor for the President asked me to re-visit the Judicial Authority Law and the proposed amendments to it by a number of stakeholders*

and to try to provide a comprehensive assessment and feedback on how we can best amend the law, discussion with Dr. Lorna was very much helpful”.

RIA Training. BAYAN held the second phase of its Regulatory Impact Assessment (RIA) training May 18-21, 2008 in Ramallah for key participants representing the legal departments from the President's Office and Ministries of Justice, Telecommunications, Labor, and Social Affairs coupled with key civil society representatives. Phase II used a variety of innovative training methods including lectures, presentations, group and individual exercises, role play exercises and group discussions. The outcome from the course evaluation forms was very positive. Herewith are samples of participants' reflections as stemmed from the training:

- It helps towards better analysis.
- Adoption of a practical method of analysis helps to understand the legislation better
- It provided us with the ability to make necessary observations and adopting correct legal forms
- It helped us towards collective thinking and better practical solutions
- How to analyze the problems raised Scientifically
- How to consult with partners and relevant institutions as well as delivering the idea to officials
- RIA will be applied to all ministry systems in collaboration with colleagues trying to streamline idea

Participants felt that the objectives of the training course had been met and that they fully understood RIA and were in a position to begin discussions within their offices about the implementation of RIA. Participants from a number of Ministries and the local trainer from the Palestinian Economic Policy Research Institute (MAS), who had participated in the 2007 training, requested assistance to establish RIA units within their institution. On the last day of training, one participant from the Office of the President, namely Shadi Ayyad requested assistance from the training course instructor and fellow participants in drafting an RIA for a real policy he was developing (Early Retirement for Security Service Personnel).

The training course has also resulted in the development of local trainers in RIA - who can train in Arabic and continue to build Palestinian capacity to draft effective policies. Ibrahim Shikaki who joined the first phase of the RIA training as a trainee and selected later on during phase two training to serve as supplemental trainer, was selected to conduct a similar training in Bahrain with UNDP funds. Further, the training has been highlighted at two OECD conferences in Amman and Istanbul as pioneering RIA in the MENA region. The participants wanted immediate support in RIA after the training - some

CSOs (MAS) wanted help setting up an RIA unit and the Office of the President wanted help during the course to draft a RIA for a real issue

4. Strengthening the Broader Legislative Community

4.1. Strengthen Legislative Advocacy

As indicated above under 3.1.B.

4.2. Creating or Supporting a Legislative Development Institute

In December 2007, USAID informed BAYAN that in order to offer continued assistance to the Institute of Law (IoL) at Birzeit University, and despite the IoL having been vetted since May 13, 2007, BAYAN would need to submit vetting forms for the Birzeit University board of directors and key IoL individuals. In January 2008, the university informed BAYAN that they would not agree to submit such information. Accordingly, during the reporting period BAYAN suspended, cancelled and/or redesigned many of the activities below. At the close of the last reporting period BAYAN received notice from USAID that vetting approval for the IoL had been reinstated. As IoL had not participated in the first round of RIA and legislative drafting trainings in 2008, it was impractical to include IoL staff in the final phase of trainings during the reporting period. The RIA drafting manual was shared with the IoL for use by their staff.

A. In-Depth Follow-On RIA Training; Training of Trainers

This activity was cancelled following rescinding of the IoL's vetting approval in January 2008.

B. RIA Training Course Developed

This activity was cancelled following rescinding of the IoL's vetting approval in January 2008.

C. RIA Drafting Manual Prepared

BAYAN's RIA trainer and expert, Faisal Naru, completed the RIA drafting manual. The draft was reviewed, edited, finalized and translated into Arabic in collaboration with BAYAN's long term staff. The Arabic version of the manual has been shared with RIA training participants, the institution/CSOs they represent and with the Birzeit University Institute of Law (IoL). IoL staff had participated in RIA training in Year 1 of the BAYAN project. The Manual

provides drafters who have participated in the RIA training a step by step practical drafting guide. Feedback from participants has been very positive.

D. Mentoring and Guidance on RIA Development

During the course of the Second Phase of the RIA training BAYAN staff and the international trainer mentored staff in using RIA as a means to more accountable, transparent and effective policymaking. For example, the chief legislative drafter of the President's Office brought an amendment he was working on regarding early retirement for security personnel and received guidance on drafting an RIA for the amendment.

4.3 Strengthening the Policy Process

Per agreement with USAID, no activity was planned for the reporting period.

Since its formation in July 2007, the new government is under immediate pressure to prove its legitimacy and to show effectiveness in responding to the needs of the Palestinian people. The RIA, legislative drafting and budget analysis trainings with key PA legal professionals under subtasks 3.1 and 3.2 has strengthened the PA's capacity to develop, draft and implement effective policies.

6. Small Grants Program for Local NGOs to Strengthen the Legislative Process

During the reporting period, the six CSOs with whom BAYAN signed grant agreements continued to implement their grants and the BAYAN team closely monitored implementation, evaluated the impact of the sub-grants and reported regularly to USAID on implementation impact, successes and challenges. By the end of the reporting period, all grants have been accomplished and project files are closed, including settling final outstanding payments and signing of completion certificates with local partners.

As reported earlier, five of the grants have encouraged and facilitated dialogue, public discourse and partnership between government representatives and other decision makers with the wider public including community leaders, community based organizations, women and youth associations and others. As part of those grants, tens of carefully designed workshops and town hall meetings were organized in all West Bank districts and various parts of the Gaza Strip, including tens of rural locations where hundreds of people, men and women had the opportunity and the necessary platform to meet and discuss their concerns, aspirations and needs before their representatives and government officials. Citizens and community organizations have emphasized the significance of taking part in shaping policy-making processes. Government

officials had a good opportunity to meet those they represent and presented their policies, including proposed policies and legislation contained in the national legislative agenda. These discussions between PA representatives and the Palestinian community will support a participatory, transparent and accountable policymaking process and most importantly encourage the Government to listen and take into account people's views and recommendations.

Mohammed Manasrah, Director of Al-Hares Center for Media and Studies, a CSO with whom BAYAN signed a grant agreement, said “ *the support from USAID has been a very successful one in terms of providing a very critical platform for people to meet with government officials and an important corner stone in the political system and helped in raising public awareness on importance of the concept of citizenry and legal framework regulating the relationship between citizens and the state*”.

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

SECTION 3: RESULTS MONITORING

During this reporting period, the project team has continued to collect the required data for the USAID-approved PMP and GIS for year two activities. All required GIS data have been entered into the GIS system with support from the USAID representative, Mr. Tayseer Edeas

During the month of July, 2008, the BAYAN team will submit the final project report detailing overall project results, analysis, success stories and lessons learned during the course of the project.

SECTION 4: MANAGEMENT AND FINANCE

During the quarter, the *BAYAN* team undertook internal discussions, made personnel decisions, and continued preparations for BAYAN's scheduled July 15, 2008 closedown to ensure the project achieves the targeted results while maintaining effective and efficient management of the limited resources in full compliance with USAID regulations.

A. Management Structure

The current and approved management structure is efficient and allows BAYAN to maximize project resources to meet programmatic goals and to closedown in a timely and efficient manner.

During the reporting period, Chief of Party, Stephen Terravecchia, BAYAN Chief of Party, resigned effective June 25th and USAID approved DAI's request to appoint Iyad Qadi, BAYAN Civil Society Policy Advisor, to the position of Acting Chief of Party. USAID also approved DAI's request that home office Project Coordinator, Julie Fitzgerald, travel to Ramallah to assist in the closedown as Closedown Manager. During the end of the reporting period, Julie Fitzgerald embarked on the assignment and provided substantial support, guidance and assistance to ensure that close down is done in accordance with USAID/DAI rules and regulations and in line with contractual obligations.

B. Financial Management

B1. Improved contract budget monitoring and reporting

Using DAI's Oracle system and its technical and administrative management information system (TAMIS), the *BAYAN* management team continued to update all financial and technical information of the implemented activities during this quarter. This effort allows the project to keep up more up-to-date financial information and to provide USAID with a more informed projection of resource utilization.

B2. Closedown

During the reporting period, the BAYAN team provided notice to USAID by submitting its closedown plan and also submitted its disposition plan to USAID for approval. USAID approved the disposition plan and BAYAN successfully completed all close down related activities.