

Impact Report on Committee Operations Assistance

Submitted to:

USAID/West Bank and Gaza

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1. Introduction

ARD's assistance to the PLC committees aims to strengthen the Council's legislative procedures, in order to facilitate the lawmaking process. During the past year and a half, the project improved the PLC's deliberative and legislative capacity by implementing a three-pronged program: clarifying the legislative process; enhancing access to expertise and information by the Council; and institutionalizing an improved approach to drafting and reviewing laws by committees.

With ARD's support, the Council is gradually developing a clearer and more refined legislative process, supported by knowledge accrued through establishing formal and informal relationships with other legislatures and by improved documentation of actions taken and procedures followed. As the Council's internal legislative relationships slowly become formalized, committees gained improved access to the necessary legal research and support. Project training and technical assistance enabled lawyers (bill drafters and researchers) to produce more detailed and relevant information to committees, which, in turn, directly impacted the committees' legislative output. Visits to other parliaments and other branches of the Palestinian government gave committee members and legal support staff valuable practical training in drafting and reviewing laws according to a uniform standard – reinforced by the production of a legislative drafting manual.

Through project support to the Legal Department, ARD was able to formalize the department's links to the committees; each committee was provided a lawyer whose skills were relevant to the committee's policy jurisdiction and who assisted in the review, amendment, and presentation of the draft laws. In addition, new legislative review procedures established guidelines for departmental-committee communication. As a result, support of the Legal Department had an indirect impact on committee operations. Assistance to the Parliamentary Research Unit and the PLC Library had a similar indirect effect. The two units can now provide committees with additional research to support their deliberations.

Since the beginning of PLC2, the impact of ARD's assistance was constrained by both internal and external circumstances. Although the project is slowly gaining ground in this sector, there is a low level of institutional will to take full advantage of ARD's resources. In addition, a continuing trend of hiring under-qualified staff based on political connections (or *wasta*) has limited the absorption of project training. Furthermore, the Executive Authority continues to overshadow the activities of the PLC, which in turn negatively impacts committee performance and motivation.

Externally, the six-month old *intifada* and Israel's response seriously constrained PLC committee activity; since the end of September, the closures between and within West Bank and Gaza have prevented most committees from meeting. Restrictions on travel, attention given to emergency needs, and the natural slow-down during the month of Ramadan all combined to bring the PLC's legislative activity to a virtual halt.

This is particularly regrettable, because, in August and September 2000, there was a substantial acceleration of legislative activity: four laws were passed by the Council and no fewer than 14 draft laws were received for review and referred to committees. During the six months between the start of the *intifada* and April 2001, the Council passed only one law and referred another to the committees.

Since the start of the *intifada*, ARD's strategy in this sector was to scale down assistance in proportion to the reduction in the PLC's activity. The project also decided to direct its efforts toward assisting committees in their review of draft laws most relevant to addressing critical needs presented by the crisis; however, the committees did not request specific assistance on the two laws that were relevant to the current situation. ARD also took advantage of the decrease in legislative activity to provide additional training and support to the Legal Department.

II. Impact of Committee Operations Training

A. Greater Clarity in the Legislative Process

ARD concentrated its efforts in this sub-sector on encouraging the institutionalization of a clear and uniform legislative process. Providing a combination of basic legislative tools and practical training, the project was able to familiarize Members and key staff with modern legislative standards and begin to equip committees with necessary administrative procedures.

However, full impact in this sub sector was not achieved because some planned activities were delayed due to political concerns or the outbreak of the *intifada* (*see III*).

1. Study Tour to National Conference on State Legislatures

In July 2000, ARD organized a study tour for senior PLC staff to attend the annual convention of the National Conference on State Legislatures (NCSL) in Chicago. The six-person delegation included two members of the Legal and Economic Committees, the senior committee coordinator, and the directors of the Public Information Department, the Training Unit (Gaza), and the Financial Unit (Gaza). The delegates attended a wide range of events, including legislative ombudsman, media links, and performance budgeting; met with other American and international delegates; and visited the Wisconsin State Legislature.

The tour offered the delegates an invaluable opportunity to learn about international legislative standards through practical experience and direct observation. The wide range of subjects covered by the conference ensured that the impact was felt throughout the PLC, in the West Bank and Gaza.

2. General training for committee clerks

Over the last 18 months, ARD conducted general training courses for committee clerks. Training subjects varied, but each aimed at strengthening the clerks' support of committee operations. The training in the Palestinian Law Database (*al-muqtafi*) enabled committee clerks to research, accurately and efficiently, the legal context of a draft law before their committee. Courses in spreadsheet and financial analysis were key to improving the presentation and review of the budget bill. Training in the use of the Internet enabled clerks to do web-based parliamentary research and use email to communicate with their counterparts in the other PLC offices (and their peers in other organizations).

3. Assistance to finalize the public hearing manual¹

¹ The public hearing activity is shared by two project components – A and B. Component A assists the committees in the logistical and financial aspects of the hearings, as part of its strategy to encourage legislative transparency. In contrast, Component B supervises the actual implementation of public hearings, which represent committee oversight activity. Accordingly, this reports discusses only the

Following the successful implementation of the public hearing pilot project in PLC1, ARD worked with committee clerks to develop a public hearing manual, outlining the logistical steps involved in convening hearings. Although the manual is not yet finalized, involving committee clerks in its production was an important strategy for fostering the institutionalization of hearings. The clerks of the Budget, the Human Rights and the Education and Social Affairs Committees have already organized public hearings, relying on ARD for only logistical and financial assistance. The manual will be submitted for approval in the next reporting period and distributed soon thereafter.

4. Procedures for receipt and review of legislation (administrative forms)

An important achievement in this sub sector was the development of procedures governing receipt and review of legislation for the Legal Department. Previously, the relationship between the Legal Department and the various committees was marked by confusion and a lack of role definition -- performance was not managed or assessed; duties were unclear; and committee work was negatively impacted.

The new procedures formalized communications between the Legal Department and the committees, creating a paper trail for tracking requests, providing a timeline for completion of drafting, and delegating responsibilities. Now, when members and committees make a drafting request to the Legal Department, they complete a form providing a policy summary, and send it to the Legal Department, who must respond in writing to committee clerks within a set timeframe. The new procedures and forms provide clear guidelines covering the logistics of the drafting process, allowing the lawyers and the committees to concentrate on their respective technical roles and responsibilities.

(Checklists for legislative drafting were also developed as part of this activity. However, as they represent a drafting impact, the checklists are discussed below – *see C.*)

B. Access to Experience and Information in Review of Legislation and Policies

In PLC1, ARD helped increase demand for specialized experience and information in the legislative review process by providing experts and training for committee staff. The PLC2 project built on these accomplishments by furnishing the tools to provide ongoing access to relevant resources by increasing the expertise of committee staff and improving the PLC's research facilities.

1. Committee Study Tours

ARD organized two study tours to Cairo over the last year and a half for the Legal Committee and Education and Social Affairs (ESA) Committee, respectively. During these tours, committee members met with their counterparts in the Egyptian government to discuss draft laws under PLC consideration at the time. The Legal Committee chair and secretary met with a number of prominent Egyptian judges to discuss the Court

project's administrative support for hearings. The report on "Component B: Executive-Legislative Relationship" will cover the oversight impact of PLC public hearings.

Formation, Civil Procedures, and Judiciary draft laws, while representatives of the ESA Committee met with Egyptian legal experts to discuss the Copyright and Insurance draft law.

Through the study tours, the committee members were able to learn directly about international legislative review procedures and standards from other parliamentarians. Because of the focus on pending draft laws, the visits provided practical experience that the delegates directly applied in committee deliberations, on their return. Although it is difficult to measure the exact impact of these programs, it is likely that the knowledge and experience gained during the study tour enhanced the members' capacity to review and amend legislation. Indeed, since the tours, President Arafat ratified the three laws discussed by the Legal Committee. (The ESA Committee is still working on the Copyright and Insurance draft law.)

2. Assistance to Research Facilities in the PLC

Over the last year and a half, ARD focused on improving in-house sources of expertise, especially the Parliamentary Research Unit (PRU) and the PLC Library. By strengthening PLC research facilities, ARD strengthens the PLC's internal capacity to collect required information and expertise without having to rely on external sources or organizations.

a. Parliamentary Research Unit

Following the termination of assistance by the International Republican Institute (IRI) in 1999, the Parliamentary Research Unit (PRU) turned to ARD for help. The project agreed to provide a six-month program of technical and financial support, with specific research deliverables.

By stepping in with assistance to the PRU, the project was able to support an integral in-house resource for committee activity. Since ARD support began, the PRU has been prolific and responsive to Members' information requests. On a weekly basis, PRU staff provided Members with research and reports on legislation under discussion, created information packages for PLC delegations traveling abroad, and conducted detailed studies on recently discussed laws and draft laws. According to ARD staff, the high degree of PRU's responsiveness is revealed in its weekly output, which usually corresponds exactly with the current political and legislative concerns of the Council.

The PRU was also able to provide direct assistance in legislative drafting. During the review of the 2001 Budget, PRU researchers with specific knowledge of the Budget Law prepared a research paper, with recommendations, for the chair of the Budget Committee. In-house PRU expertise also provided vital support during a review of the NGO draft law. Due to its origins as a project of an NGO, the PRU was able to consult with the two committees reviewing the draft law, by offering an analysis from an NGO perspective.

b. The PLC Library

In PLC2, ARD endeavored to build the capacity and content of the PLC Library, in order to improve the research resources available to Members and committee staff. In the last

year and a half, ARD purchased books and reference materials, such as legislative periodicals and technical dictionaries; and included the library director on the project trip to the Cairo International Book Fair, where she was able to select and purchase up-to-date resources for committee research and the general use of the Council. ARD's component coordinator reports that the library support had a visible and measure impact, swelling its bookshelves and drawing Members to the library in increasing numbers.

c. Purchase of Miscellaneous Resource Materials

In addition to the resources purchased for the library, the project also provided the PLC with translations of Israeli, English and other laws. Translating these laws into Arabic opens up new resources for committee and PRU staff responsible for conducting preliminary research for draft laws and responding to committee and Member inquiries.

d. Parliamentary and Legal English Language Training

ARD commissioned the British Council to train lawyers from the Legal Department in parliamentary and English legal language courses. Comparative research skills in English-language laws and publications and on the Internet are essential competencies for the drafting process; the Internet, in particular, offers very low-cost access to a wealth of legal information. However, the PLC's capacity for such research is often limited by a general lack of proficiency in technical English. By providing the 100-hour training, the project boosted the level of proficiency in technical English within the Legal Department and increased the lawyers' access to external information.

C. Institutionalized Capacity to Draft and Review

Under PLC2, ARD worked to strengthen the PLC's capacity to draft and review laws, institutionalize a uniform drafting code, and improve the capacity of committees to evaluate and analyze draft laws pending before the Council.

1. Legislative Drafting Manual

With ARD's support, a unified drafting manual for the Palestinian Authority (PA) was developed by the Birzeit University Law Center and distributed to the PLC and the Diwan. This was a high priority for ARD since a consensus on technical matters relating to legislative drafting style greatly improves the efficiency of the legislative process for both the executive and legislative branches.

Before the development of the manual, PA legislative drafting was disordered and incoherent, with no consistency of style between the legislative and executive branches. Lawyers from the PLC and the Diwan lacked a comprehension of basic drafting techniques, often creating a draft by cutting and pasting from different laws. By codifying drafting techniques, the manual has encouraged greater order in the legislative process by creating a unified Palestinian legislative style framework. The manual has also proved popular with committee staff and Members, who use it as a guide to legislative drafting standards.

ARD supported the participation of the PLC Legal Department in the manual's development, as part of its strategy to build stronger ties between the department and the Diwan. A common understanding of legislative style and terminology between the two bodies simplifies, clarifies and expedites communications between the Executive Authority and the PLC.

2. Participation of the Legal Department in the Law Commissions

ARD facilitated the participation of the Legal Department in the Law Commission, which was jointly set up by the World Bank's Legal Development Project and the Diwan. The Law Commission was charged with building a unified framework for West Bank and Gaza legislation through comparative research into other Arab legislation.

The Legal Department's participation in the commission strengthened its links with the Diwan, by creating professional relationships and deepening the department's knowledge of the Diwan's legislative mechanisms.

3. Legislative Drafting Internships in Egypt

At the end of Year 1, ARD organized two-month internships in the Egyptian parliament's legal department for lawyers from the PLC Legal Department and the Diwan (*diwan al-fatwa wa al-tashr'ie*). During the internships, the lawyers participated in committee meetings, assisted in drafting laws, and received a thorough exposure to the mechanisms of the Egyptian legislative process. By sending lawyers from both the Legal Department and the Diwan, ARD was also able to positively influence the executive-legislative relationship and encourage the growth of a uniform drafting standard throughout the Palestinian government.

4. Training in the Palestinian law database

An ARD consultant trained the lawyers of the Legal Department in the use of the Palestinian law database (*al moqtafi*), developed in PLC1 by Birzeit University. The training for the lawyers was more advanced than that provided to committee staff (*see A.2*). Instead of wading through paper archives in time-consuming and often incomplete searches, the lawyers are now able to access the database to conduct swift and comprehensive searches of laws. Prior to acting on draft laws, each committee can now utilize the enhanced skills of their committee lawyer to conduct necessary comparative research.

5. Procedures for Receipt and Review of Legislation (checklists)

In addition to the administrative procedures discussed above (*see II.A.4*), ARD and the Legal Department jointly developed legislative drafting checklists. While the forms formalize the committee-department communication, the checklists guide the lawyers in the actual drafting process by clearly setting out the necessary legislative steps. Since the departmental level of drafting skills is uneven, providing a means of regulating legislative drafting prior to committee review has improved the overall quality of the committees' legislative work. It has also raised the level of committee confidence in the staff of the Legal Department.

III. Areas in which impact was less than desired.

ARD was unable to implement certain activities, mainly because of a lack of political support from within the PLC. Most of these activities fell within the A.1 sub sector, which concentrates on clarifying the legislative process. This may indicate the PLC leadership is reluctant to improve the Council's effectiveness since doing so would enable the PLC to more fully carry out its proper role of legislative oversight and enactment of laws.

A. Update the Standing Orders

The lack of political will to update the PLC standing orders has delayed this activity. However, ARD will continue to work with the PLC leadership, urging it to amend the current Standing Orders in order to formalize recent activities, such as the increased role of the Legal Department in legislative drafting and the use of public hearings as a fact gathering and oversight tool.

B. Establish Hiring Procedures for the Legal Department Staff

As in other PLC departments, the Legal Department is plagued by poor hiring practices. Many lawyers were hired because of *wasta*, which results in unsuitable staff assignments and a low level of departmental skill. However, the PLC was reluctant to have ARD target the Legal Department's hiring procedures, preferring to work with the employment issue on an institution-wide basis.

C. Assist in Establishing a Mechanism for Analyzing Constituent Requests to Identify Areas where New or Modified Legislation is Required

There has been little support for this activity from the PLC. However, some local NGOs are already working with Members on this issue, which may represent a backdoor through which ARD can influence the Council.

D. Formalize Use of Hearings

The PLC leadership seems reluctant to formalize the use of public hearings, preferring hearings conducted more informally. Moreover, their resistance to updating the Standing Orders limits any official recognition of the public hearing process. However, ARD believes that the involvement of staff and Members in the development of the public hearing manual has led to institutional familiarity with the process that in time may in time result in amendments to the Standing Orders. The project will continue trying to convince the PLC to formally incorporate the public hearings into the Standing Orders.

E. Develop System for Publishing Committee Meeting Agenda and Inviting Public Participation

Traditionally, the committees conduct their meetings behind close doors, with attendance by non-members extended by invitation only. As a result, the project has not yet been able to develop the proposed system.

F. Publish a Document Summarizing Roles of Each Department's Services

The outbreak of the *intifada* six months delayed this activity, which was originally scheduled for implementation in Quarter 5. ARD plans to continue collecting the data as soon as possible for publication in the next six-month period.

IV. General Analysis

Due to political and situational limitations, ARD was not able to achieve the expected impact on the operations of PLC committees. There is a lingering reluctance within the PLC to clarify the legislative process, poor hiring by the Legal Department results in an inadequate level of legislative drafting, and the relationship between the PLC and the Diwan continues to be marked by tension. With the outbreak of the *intifada*, Component A activities became even more constrained, as committee activity dwindled.

However, ARD has had significant success in other Component A activities, including strengthening the administrative tools in the legislative process, building in-house research resources, and increasing practical links between the Diwan and the PLC.

Over the last year and a half, ARD assisted the PLC in developing legislative checklists and forms, thereby regulating the committee-Legal Department drafting relationship; a drafting manual, which provides a practical drafting guide for lawyers and committee members; and the public hearing manual, which formalizes the previously unofficial events.

ARD assistance in building the PLC's research capacity was timely and well received. By stepping in when the Parliamentary Research Unit was left without funds, ARD ensured that the PLC's main source of research continued to serve Members and committee staff. Work with the PLC Library and training courses for clerks and lawyers improved the skills and productivity of the Council's in-house research facilities.

The project also had modest success with the Executive Authority-PLC linkages, by bringing together lawyers from both sides for study tours and legislative training and research. Through strengthening personal and professional linkage to the Diwan, ARD helped PLC lawyers to gain access to vital legislative information resources and facilitate the introduction of legislation to committees. By offering combined training and shared activities, the project was also able to encourage the growth of a unified Palestinian drafting code by improving coordination and communication between the PLC and the Diwan lawyers.