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AN INTRODUCTION TO NETHAM

NETHAM is a Justice and Enforcement Rule of Law Project in West Bank and Gaza funded by the United States Agency for International Development (USAID). Our mission is to build respect for, and adherence to, the rule of law by working hand-in-hand with the Ministry of Justice, court administrators, and key judicial institutions. Awarded to DPK Consulting on September 30, 2005, this \$8 million USAID program has been officially designated NETHAM, the Arabic word for order.

The project has two primary components. The first component focuses on professionalizing the formal justice sector by building the institutional capacity of the Ministry of Justice in order to facilitate its emergence as a vital proponent of judicial reform. In addition, NETHAM will upgrade the skills of court administrators, through training and capacity building efforts, to achieve better job performance by empowering court enforcers and processors. NETHAM will also offer technical assistance to improve coordination, policy planning, and strategic development within the Ministry of Justice and will provide the equipment necessary to integrate and automate the Ministry's IT systems.

The second component focuses on improving the enforcement of laws and court decisions, which is considered to be one of the most serious problems jeopardizing the Palestinian judicial system. This component will concentrate on improving the capabilities of court decision makers in the areas of administration and law enforcement. This will be accomplished through the provision of technical assistance and the training and mentoring of enforcement and management personnel. This component will ensure the existence of the political will and empowerment necessary to create a judicial system that is respected and properly enforced.

During its 3-year contract term NETHAM will initiate activities to achieve several objectives, including



NETHAM STAFF AND DPK PRINCIPAL WILLIAM DAVIS

increasing the cooperation and coordination between the Ministry of Justice and other justice sector institutions, strengthening the capacity of the Ministry of Justice to execute its functions as specified by law, and improving the capacity of court administrators to conduct their jobs effectively. NETHAM will also work to ensure an increased frequency in the enforcement of laws and court decisions, as well as increased compliance with judicial decisions by ordinary citizens and Palestinian Authority bodies.

NETHAM will work closely with the Ministry of Justice, the Steering Committee for the Development of the Judiciary and Justice, USAID, and other USAID Projects in the field namely Arkan and the Bridge project, and civil society organizations to ensure project activities are coordinated to achieve maximum utility.

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JUDICIAL SECTOR ROUND TABLE YIELDS RESULTS



ROUNDTABLE PARTICIPANTS IN ACTION

The NETHAM Rule of Law Project organized a roundtable discussion that brought together numerous judicial stakeholders to sort out differences and increase cooperation between the represented justice sector institutions, and to build a consensus among the individual stakeholders. This roundtable included the following participants: Chief Justice Zuheir Sourani; members of the Supreme Judicial Council; Minister of Justice Farid Jallad; Dr. Adnan Amr, the president's legal advisor; Attorney General Ahmad Mghani; and the Minister of Planning, Dr. Ghasan Al-Khatib. Differences among the stakeholders stem primarily from debate over which Judicial Law to enact—the 2002 or 2005 Law—and subsequently which powers would be allocated to the Minister of Justice, the Supreme Judicial Council, and other institutions there under.

Each of the represented institutions expressed their views on the tensions prevalent within the justice sector and offered solutions to alleviate them. The discussion was facilitated by NETHAM consultant Dr. Salaheddine Al-Bashir, who guided questions and directed comments in order to stimulate the discussion and call attention to areas of agreement and concern.

At the end of the roundtable event, participants and NETHAM staff developed a memorandum itemizing points of agreement and points of contention. The three primary points of disagreement, as identified by roundtable participants, are related to judicial inspection, court administration, and the structure of the Supreme Judicial Council.

Another positive outcome of the discussion was an agreement to establish a task force by the Steering Committee for the Judiciary and Justice to work on Judiciary Law Number 1 for 2002, in order to resolve disputed issues. The following are some of the actions that all the participants endorsed:

1. That the Steering Committee for the Judiciary and Justice resumes its mandate and concentrates on its responsibilities as set forth in the Presidential Decree;
2. That the Steering Committee for the Judiciary and Justice meet with its original members as named in the Presidential Decree;
3. That Dr. Adnan Amr, the legal advisor to the president, attend the Steering Committee meetings;
4. That a task force from the Steering Committee, including Chief Justice Zuheir Sourani, Judge Issa Abu Sharar, Minister of Justice Farid Jallad, Attorney General Ahmad Mghani, Minister of Planning Dr. Ghasan Al-Khatib, Dr. Adnan Amr, and Dr. Camille Mansour, be formed to revise Judiciary Law Number 1 for 2002 and to present the task force's recommendations and findings to the president for necessary action; and
5. That the task force meets continuously for two weeks or until a consensus is reached.

The task force has met three times since it was established and is well on its way to resolving many of the contentious issues identified by the roundtable.

NETHAM IN THE HEADLINES.....

During a Ceremony in Ramallah Attended by a Number of Senior Palestinian Officials USAID Launches \$8 Million Dollar Program to Support Palestinian Judiciary

(Al-Ayyam, December 6, 2005)

Official Ceremony Launching "NETHAM" Project to Support Rule of Law With Support Worth \$8 Million Dollars from USAID

(Al-Hayat Al-Jadida, December 6, 2005)

NETHAM OFFICIALLY LAUNCHED BY PALESTINIAN AND AMERICAN OFFICIALS

The USAID-funded Justice and Enforcement Rule of Law Project, NETHAM, was officially launched at an opening ceremony on December 5, 2005 at the Grand Park Hotel in Ramallah. Numerous senior Palestinian and American officials attended the event that marked the culmination of months of effort by representatives from both governments. The official launching was held under the patronage of His Excellency, the President of the Palestinian Authority Mahmoud Abbas, who was scheduled to attend the opening but had to cancel



U.S. AND PALESTINIAN OFFICIALS, WITH DPK PRINCIPAL WILLIAM DAVIS, AT CEREMONY

shortly before the event due to important circumstances in Gaza that required his immediate attention. The President's Chief of Staff, Dr. Rafiq Al-Husseini, attended on his behalf. The U.S. Consul General in Jerusalem, Jacob Walles, and the United States Agency for International Development Mission Director, James Bever, both addressed remarks to a crowd of over 100 supporters and well-wishers. Chief Justice Zuheir Sourani, the Minister of Justice Farid Jallad, and the Minister of Planning Dr. Ghassan Al-Khatib presented remarks on behalf of the Palestinian Authority.

DPK Principal William Davis delivered an overview of NETHAM and expected project results, and Salaheddine Al-Bashir outlined the justice sector strategic planning process. Speaking on behalf of the president, Al-Husseini stated that the project is "very important" and thanked USAID for the assistance it provides to the Palestinian people, commenting that the rule of law is a key element of the president's reform program. He added further that the president's motto is "no democracy without rule of law, and no one is above the law."

Consul General Walles stressed in his remarks the importance the US ascribes to the initial steps the Palestinian Authority has taken in rule of law reform to advance its goal of developing a democratic state. In his statement the USAID Mission Director Bever said: "USAID is here because the American people care about Palestinians. Our government cares about the future of the Palestinian Authority." He also stated that the judicial sector presents the biggest challenge in any society and indicated that: "We feel a bond with you in the judicial area."

Minister Khatib told the crowd that: "This government has given a high priority to improvement and reform of the judicial sector so that rights could be returned to their owners and stability and security created." In his remarks, the Minister of Justice cited the need for creating a judicial training institute and providing it with full support.

Chief Justice Sourani stated in his speech that the project objectives are clearly in-tune with the demands of the Palestinian leadership and the president and that he welcomes NETHAM's support.

Guests included many other high-ranking officials, including the minister of trade and economy, the attorney general, senior justices, the chief of police, as well as representatives of various international donor organizations and leading members of civil society.

Rule of Law Should Prevail

By Nabil Isifan, Acting Chief of Party

The first thought that comes to mind when thinking of the judicial system is the principle of rule of law. It is commonly known that the efficiency of the judicial system is considered a major element of rule of law in any advanced country. As for the Palestinian case, the elected leadership, represented by His Excellency President Mahmoud Abbas and his government, submitted their government's agenda and reiterated their willingness to support and ensure enforcement of rule of law through supporting independence of the judiciary, separation of powers, and passing legislation that supports the judicial system's development into a key and active branch of government.

The Palestine Authority Cabinet and the Palestinian Legislative Council have already dedicated serious efforts to amending the 2002 Judiciary Law. The amended law was passed by the Palestinian Legislative Council and ratified by President Abbas; yet it was recently nullified by the Constitutional Court. Despite public disputes over jurisdiction and authority, stakeholders have shown a commitment to the principle of separation of power, a necessary element for establishing the

principle of rule of law. Regardless of the current disputes, all justice sector institutions have displayed a sense of responsibility in resolving their differences, and accordingly have formed high-level committees that are charged with correcting the current situation and moving reform forward to ensure that tangible rule of law benefits accrue to ordinary citizens (for more information, read *Judicial Roundtable Yields Results*).

Since the inception of the Palestinian Authority, the process of institutionalizing and reinforcing the judicial system to create a system capable of serving the public's needs has been underway. At this stage of the process, the power of law should serve as the fair judge among the judicial stakeholders. This sentiment is echoed by the Palestinian community through elections, various polls and surveys, and the efforts of civil society organizations, all consistently reiterating the importance of strengthening rule of law. This is evidenced by the near unanimous consensus that has emerged on the need for a political and social system governed by transparent, fair, and just laws.

The international community has also supported the judicial system and contributed to its development. This interest is reflected by our new USAID-funded NETHAM (Rule of Law) Project. NETHAM was designed to address current judicial needs, including providing technical assistance and supporting the capacities and skills of the Ministry of Justice, in order to ensure that the institutional requirements necessary for the judicial system to play its crucial role of advancing justice are in place. With NETHAM leading these united efforts, a Palestinian society that enjoys the rule of law will emerge.

Feedback

To send us your feedback on this newsletter, or to add your name to the electronic or hard copy mailing list, contact us at: newsletter@netham.net

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