

The Palestinian National Authority

Council of Ministers

Cabinet Secretariat

Your Excellency brother Dr. Sa'di al-Krunz

Chief of the Cabinet / Head of PM Office

Subject: Legislations that were processed in the term of January and February 2009, the first term of 2009

The Legislative Plan Higher National Group extends its warmest greetings. In reference to the above mentioned topic, we present to your Excellency the legislations that were processed during the term of January and February 2009 in the framework of the government's legislative plan, which can be summarized as follows:

First: The Legislative Plan Higher National Group discussed the agenda of the first term (January and February) of 2009 as follows:

- 1- The General Budget Draft Law of 2009
- 2- The Public Procurement Higher Commission Draft Law
- 3- Draft Law on Forming Regular Courts
- 4- Narcotics and Psychotropic Substances Draft Law
- 5- Draft Law Amending the Water Law no. 3 of 2002
- 6- Draft Law for Administrative Organization of Land Authority
- 7- Traffic Draft Law
- 8- Draft Law on Use and Protection of Insignia
- 9- Joint Councils Draft Law
- 10- Draft Law on Organizing Telecommunications Sector
- 11- Draft Law on Audio-Visual
- 12- The Executive Regulations of the Civil Status Law
- 13- Bylaws on Fines and Fees of Civil Status Procedures
- 14- The Executive Regulations for Waste Waster Management
- 15- List of Delegated Powers
- 16- The Executive Regulations Amending Article (143) of the Executive Regulations of the Civil Service Law
- 17- Bylaws Amending the Judicial Institute Bylaws no. 4 of 2008
- 18- Bylaws for Local Commissions Employees
- 19- Bylaws on Private Employment Offices

- 20- Bylaws on Complaints
- 21- Bylaws on Use of Government Vehicles
- 22- List on Standard of Living Allowance
- 23- List on Supervision Allowance

Second: The Legislations under processing in the Legislative Plan Higher National Group:

- 1- The Public Procurement Higher Commission Draft Law
- 2- Draft Law on Forming Regular Courts
- 3- Draft Law Amending the Water Law no. 3 of 2002
- 4- Draft Law for Administrative Organization of Land Authority
- 5- Traffic Draft Law
- 6- Joint Councils Draft Law
- 7- The Executive Regulations for Waste Waster Management
- 8- List of Delegated Powers
- 9- List on Standard of Living Allowance

Third: The Legislations that were introduced to the Agenda of the Legislative Plan Higher National Group but were not registered in this term:

- 1- Draft Law on Organizing Telecommunications Sector / it was deferred from the fourth term to the first term based on recommendation from the President and based on instructions from the supervising minister
- 2- The Executive Regulations Amending Article (143) of the Executive Regulations of the Civil Service Law / it was presented to the legislative plan agenda by the General Personnel Office
- 3- List on Supervision Allowance / it was presented to the legislative plan agenda by the General Personnel Office

Fourth: The Legislations that were studied inside the Legislative Plan Higher National Group which recommended returning them to the parties that submitted them for processing:

1- Draft Law on Forming Regular Courts

Following extensive discussion of the above-mentioned draft law in its session on February 10, 2009, the Higher National Group decided to present the matter to the Council of Ministers to return the draft law to the Higher Judicial Council so that it would present a draft law that conforms to the vision presented by the Higher Judicial Council itself.

2- Draft Law for Administrative Organization of Land Authority

The Legislative Plan Higher National Group discussed the general policy of the above-mentioned draft law in its 44th session on February 17, 2009 and found out that the presented draft law aims to organize the lands policy, but after studying the general policy of the draft law, we found out that it does

not tackle many issues; thus, we call upon the concerned parties to discuss the presented draft law and its purposes and goals.

During the 46th session on March 3, 2009, the General Coordinator of the Legislative Plan explained that the Council of Ministers decided to invite the Planning Minister to discuss with the Higher National Group the draft law in the presence of the supervising minister and the Justice Minister in a session for the Higher National Group on March 10, 2009.

3- The Traffic Draft Law

The members of the Higher National Group agreed in their 42nd session on February 3, 2009 to return the draft law to the Ministry of Transport which need to present the draft law in the following manner: to present the old law and the new law, including the reasons for amending every article along with the explanatory note which needs to be concise, clear and comprehensive so that we can decide whether we need a new law at the present time or if it possible to amend the old law; so far, the draft law has not been resubmitted and there is follow up with the ministry by the secretary of the Infrastructure Group Ms. Nadia Omar with the Transport Ministry and they are exerting tremendous efforts.

4- Draft Law Amending the Water Law

The Higher National Group decided in its 45th session on February 24, 2009 to submit the draft law to Ms. Nadia Omar (Secretary of the Specialized Group) and Ms. Anan Jab'iti (General Director of Legislations) in order to add the comments set up by the Higher National Group and hold a meeting with the Water Authority to clarify some vague articles on condition that this should be done no later than Thursday, February 26, 2009 so that it can be submitted to the Council of Ministers in accordance with the set standards, but there has been some delay in response by the Water Authority

5- Bylaws Amending the Judicial Institute Bylaws

The Higher National Group believes that the matter deals with the general policy of the government in its relation with the Judiciary Authority. The Higher National Group recommended that the matter of organizing the relation between the Justice Ministry and the Higher Judicial Council must be resolved through a general approach by the government and this must be followed by move from the Head of the Higher Judicial Council to tackle the proposed amendments; thus we leave the matter for the Council of Ministers to take the proper decision after which it will be decided whether to amend the bylaws so that the institute would be under the absolute supervision of the Higher Judicial Council or to keep the situation as it is now.

6- Bylaws on Use of Government Vehicles

The Higher National Group found out that the bylaws do not meet the need to economize spending and allow best use.

Fifth: The Legislations that were not discussed in the first term (January and February):

The following are legislations that were on the agenda of the first term and the competent departments were not able to present them:

1- Draft Law on Audio-Visual

Ms. Iman al-Sabbah explained that the ministry (Information Ministry) decided to submit the draft law to the reserve agenda until a new draft law is presented from Birzeit University as the presented draft law faces many shortcomings.

2- List on Standard of Living Allowance

The draft list has not been presented by the competent department.

3- List of Delegated Powers

The draft list has not been presented by the competent department.

Fifth: The Legislations that were issued by the Council of Ministers in the first term (January and February):

- 1- Bylaws on Private Employment Offices
- 2- The Executive Regulations of the Civil Status Law no. (2) of 2009
- 3- Bylaws on Fines and Fees no. (3) of 2009
- 4- The Executive Regulations Amending Article (143) of the Executive Regulations of the Civil Service Law
- 5- Bylaws for Local Commissions Employees
- 6- Bylaws on Complaints
- 7- List on Supervision Allowance
- 8- List to calculate service term for the employees of the PLO and its factions and sentence term for prisoners
- 9- Narcotics and Psychotropic Substances Draft Law
- 10- Draft Law on Organizing Telecommunications Sector
- 11- National Archive Draft Law
- 12- General Budget Draft Law
- 13- Palestinian Fatwa Department Law
- 14- Draft Law on Use and Protection of Insignia

Sixth: The meetings of the Legislative Plan Higher National Group:

The National Group organized eight meetings in the first term and eight draft laws and bylaws were issued in this term and this means that the Legislative Plan met regular and achieved one third of the draft laws submitted to it.

Seventh: The major obstacles that faced the work of the government's legislative plan:

1- The decision of the Council of Ministers on establishing legislation departments in the ministries and relevant institutions has not been implemented and this doubled work and effort by the members of the higher national group and this has impact on speed and performance; it also leads to failure to implement the agenda of the plan since there is a need for parallel work and it is not reasonable to demand from the group to honor its commitments while the ministries fail to do so.

2- Absence of space for the meetings of the plan and its teams; the meeting hall at the Council of Ministers building was the place available but in many cases, the hall was busy with other meetings.

3- No incentives or bonuses have been paid to the workers in the plan.

4- There were no easing measures to help the members of the plan to attend its meetings; and in some cases, some members were not allowed by their superiors to leave their jobs and attend the meetings.

The total number of legislations looked into in this tem is 23 legislations divided in the following manner:

1- with regards to law, there were eleven laws; seven draft laws were submitted to the President.

2- with regards to bylaws and lists, there wee 12 bylaws and lists; eight bylaws and lists were issued.

3- number of legislations still under consideration in the group is nine draft laws.

4- Three draft laws have not been dealt with at all.

5- number of legislations issued by the Council of Ministers is 14 legislations

6- total number of papers considered in the legislative plan reached 485 papers.

Recommendations

1- To implement the Council of Ministers decision to establish legislation departments in the ministries within 30 days; otherwise, the legal affairs shall appoint them and place them in the ministries

2- to activate the role of Fatwa and Legislation Department

3- To offer the necessary support to the legislative plan

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