



**THE ARAB CENTER FOR THE DEVELOPMENT OF THE RULE OF LAW
AND INTEGRITY**

**PROJECT TITLE: STRENGTHENING THE RULE OF LAW AND INTEGRITY IN THE
ARAB WORLD**

**REPORT ON THE STATUS OF THE PARLIAMENT/PARTICIPATION
ANNOTATED OUTLINE**

- Draft -

INDEX

I. <u>Introductory chapter</u>	p. 2
II. <u>Chapter one: contextual background</u>	p. 2
III. <u>Chapter two: analysis of the principles</u>	p.2-8
1. <u>Representation and participation</u>	p.3
2. <u>Independence</u>	p.4
3. <u>Performance</u>	p.5
4. <u>Integrity</u>	p.8
III- <u>Chapter Three: Policy recommendations</u>	p.9
IV. <u>Annexes</u>	p.9



I. INTRODUCTORY CHAPTER

Written by:	ACRLI
Page number:	2 to 3 pages
Draft by:	TBD

- 1) General objectives of the project
- 2) Objective of the report
- 3) Explanation of methodology

Note: The principles analyzed in this report are organized under four broad categories: representation and participation, independence, performance, and integrity. These categories and the affiliated principles are not intended to be a full, exhaustive list of the elements that could be used to assess all dimensions of the state of the parliament in a particular country. Rather, they reflect fundamental attributes of a sound and healthy parliament, and were developed through several years of research and consultations with scholars and practitioners around the world. Similarly, the approach adopted for this report does not preclude other approaches to assessing the state of the parliament, but represents an attempt to create a framework that could be used as a basis for ongoing monitoring.

II. CHAPTER ONE: CONTEXTUAL BACKGROUND

Written by:	Lead author who may request background papers/ specific sections from co-authors / contributors
Page number:	5 pages
Draft by:	TBD

- 1) Description of the parliament – history and historical development, structure, role, key features and attributes.
- 2) Relevant political and socioeconomic factors influencing the history, structure, and role of parliament.
- 3) Overview of reform issue – is the parliament a target of debate and policy reforms? How do different stakeholders view the role and reform of parliament?

III. CHAPTER TWO: ANALYSIS OF THE PRINCIPLES

Written by:	Lead author with the collaboration of the co-authors Background papers may also be requested from contributors
Page number:	30 pages
Draft by:	TBD



For each principle, the author will attempt to incorporate some of the following elements, as relevant to the assessment of the level of compliance with the principle:

- a. Review of the applicable laws, decrees, rules, procedures, etc.
- b. Review of the application of the relevant laws, decrees, rules, procedures, etc.
- c. Review of the impact of the legal, political and regulatory environment.
- d. Review of relevant past and present reform efforts (what? Why? How extensive? What impact? What lessons?)
- e. Data from in-depth interviews, roundtables, surveys, etc.

Levels of Analysis for Each Principle

For each principle, the analysis will be guided by the following questions:

1. Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures in place to guarantee the respect of this principle?
2. Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures applied in practice in a manner that guarantees the respect of this principle in a fair manner for all?
3. Are there extra-legal/informal factors which impact the respect of this principle?
4. What is the perception of the media and the public about the respect of this principle?

1. Representation and participation

1.1. Just and fair representation

Elements of analysis (sub-principles):

- 1.1.1. Composition reflecting the diversity of society
 - 1.1.1.1. Religious, sectarian, ethnic, national, etc...
 - 1.1.1.2. Political parties
 - 1.1.1.3. Gender parity rules
 - 1.1.1.4. Geographic, social and age groups
- 1.1.2. Proportional representation of political powers
- 1.1.3. High voter turnout
- 1.1.4. Parliamentarians represent a high percentage of the voters

1.2. Equal opportunities of candidates

Elements of analysis (sub-principles):

- 1.2.1. Equal access to media
- 1.2.2. Equal access to public space for campaigning
- 1.2.3. Regulation or limitation of donations for electoral campaigns
- 1.2.4. Limitations on political financing and expenditures

1.3. Free and fair elections



Elements of analysis (sub-principles):

- 1.3.1. The management of the electoral process in compliance with international standards (pre-, during and after voting)
- 1.3.2. Impartial and trustworthy supervisory body
- 1.3.3. Effective and impartial mechanisms/body to contest election results

1.4. Accountability of parliamentarians to voters through elections

Elements of analysis (sub-principles):

- 1.4.1. No influence of hereditary social ties (religion, tribal, etc.) on voting
- 1.4.2. No influence of personal relations on voting
- 1.4.3. No influence of nepotism (CLIENTELISME) on voting
- 1.4.4. Changes in the composition of Parliament which reflect the level of satisfaction/dissatisfaction of the voters
- 1.4.5. Availability of accountability culture

1.5. Participation

Elements of analysis (sub-principles):

- 1.5.1. Periodic communication with constituencies (continuity of communication; political/ social/ both...)
- 1.5.2. Periodic consultation of civil society and experts
- 1.5.3. Regular public hearings for civil society stakeholders at committee and plenary sessions

2. Independence

2.1. Institutional independence

Elements of analysis (sub-principles):

- 2.1.1. Parliamentary independence guaranteed by the Constitution
- 2.1.2. Parliamentary control over its administration, budget and support staff
 - 2.1.2.1. Parliament adopts its internal rules
 - 2.1.2.2. Parliament adopts and allocates its own internal budget
 - 2.1.2.3. Parliament controls its staff (hiring, payment, promotion, etc...)
 - 2.1.2.4. Control of the services providing security by Parliament
- 2.1.3. Schedule of ordinary sessions guaranteed by the Constitution
- 2.1.4. Fixed term of office guaranteed by the Constitution (note: corresponds to limits regarding the duration of the term in office)
- 2.1.5. Clear grounds for dissolution or for shortening its mandate

2.2. Protection of parliamentarians

Note: The independence of parliamentarians is by no means absolute. Parliamentarians are by definition influenced by outside forces (their constituents, their political parties or groupings, economically-powerful groups, other interest groups, etc.). Their political opinions are generally known. What is to be avoided is influence through corrupt mechanisms such as bribery, nepotism or patronage.

Elements of analysis (sub-principles):

- 2.2.1. Parliamentary immunity guaranteed by the Constitution
 - 2.2.1.1. Limited circumstances in which immunity can be waived
 - 2.2.1.2. Clear and transparent mechanisms for waiving immunity



(Note: It would be useful to discuss whether waiving the immunity of a parliamentarian is a decision to be taken by the executive, judicial or legislative powers. It would also be a good indicator to study the number of times the immunity has been withdrawn and whether that is exercised too many times or rarely)

2.2.2. Freedom of expression guaranteed by the Constitution

2.2.3. Physical safety

(Note: Pressure from security and military agencies, threats to parliamentarians due to their opinion are another obstacle to be tackled under this heading.)

2.2.4. Adequate financial compensation (financial security)

2.2.5. Absence of undue external pressure to take specific decisions

2.3. Independence of the parliament in carrying out its functions

Elements of analysis (sub-principles):

2.3.1. Parliamentary monopoly on the exercise of legislative power

2.3.2. Broad legislative authority

2.3.2.1. Examples of areas of legislative activity

2.3.2.1.1. Regulation of fundamental freedoms (by laws rather than by decrees)

2.3.2.1.2. Declaration of the State of emergency dependent on an approval by the parliament

2.3.2.1.3. Monopoly of parliament in imposing taxes and fees

2.3.2.1.4. Public expenditure dependent on approval by parliament

2.3.2.1.5. Borrowing money for the state dependent on approval by parliament

2.3.3. Absence of undue pressure from the executive or other influential bodies

3. Performance

3.1. Effective legislative process

(Note: please mention the ratio between legislation proposed by parliament and legislation proposed by the government.)

Elements of analysis (sub-principles):

3.1.1. Draft laws, discuss within the ordinary session of the parliament

3.1.2. Serious analysis and debate of the content of legislations before their adoption

3.1.3. Effective parliament participation drawing public policies

3.1.3.1. Passing legislations/programs drawing the general policies for the plans implemented by the government

3.1.3.2. Passing legislations on reform and progress in all sectors

3.1.3.3. Cooperation between parliament and executive authority to draw a comprehensive policy strategy

3.1.4. Participation of civil society stakeholders in studying draft laws

3.1.5. Participation of experts in studying the laws (Note to what extent this feedback is taken into account by Parliament)

3.2. Effective oversight of the budget

Elements of analysis (sub-principles):

3.2.1. Comprehensive study and debate of the budget

3.2.1.1. Transparent development of the budget figures

3.2.1.2. Scrutiny of the budget figures to ensure accuracy

3.2.1.3. Study of the effect on monetary, economic and social conditions

3.2.1.4. Commissioning experts to its financial and economic affairs to study the budget and approve it

3.2.1.5. Comparison of actual expenditures and income against projections

3.2.2. Transparent vote on the budget



- 3.2.3. Comprehensive oversight of the budget
 - 3.2.3.1. Effective and active role in monitoring the implementation of the budget (monitoring the actual expenditures and income)
 - 3.2.3.2. Collaboration with audit agencies or courts to control public expenditure

3.3. Effective oversight of the executive

Elements of analysis (sub-principles):

- 3.3.1. Existence of organized and effective opposition in the parliament
- 3.3.2. Effective questioning of the government by parliament (Note: number of questions, number of answers, transition from questions to interrogation or dialogue, withdrawal of confidence guiding government conduct)
- 3.3.3. Effective power to withdraw confidence from the government (Note: to what extent this power is used)
- 3.3.4. Effective control of compliance with international treaties
 - 3.3.4.1. Questions to the government about its compliance with international treaties
 - 3.3.4.2. Parliamentary commission on foreign affairs monitoring government compliance with international treaties
 - 3.3.4.3. Parliamentary commission on Human Rights monitoring government compliance with Human Rights and civil liberties obligations
- 3.3.5. Constitutional power to indict ministers and the Head of State (Note: especially on issues related to corruption or breach of their obligations)
 - 3.3.5.1. Clear and simple indictment procedures
 - 3.3.5.2. Number of indictments
- 3.3.6. Constitutional power to participate in the prosecution of ministers and the Head of State
 - 3.3.6.1. Clear and simple prosecution procedures
 - 3.3.6.2. Number of prosecutions

3.4. Effectiveness of the parliamentary commissions

Elements of analysis (sub-principles):

- 3.4.1. Sufficient permanent, temporary, specialized ad hoc and investigative parliamentary commissions
- 3.4.2. Active and transparent role in legislation,
- 3.4.3. Active and transparent role in monitoring
- 3.4.4. Active and transparent role investigation.
- 3.4.5. Participation of civil society stakeholders in relevant commission meetings
- 3.4.6. Participation of qualified experts in relevant commission activities

3.5. Adequate internal system for parliament's performance

Elements of analysis (sub-principles):

- 3.5.1. Internal system guaranteeing the diversity of opinions and affiliations
- 3.5.2. Internal system guaranteeing freedom of expression and debate for all its members
- 3.5.3. Internal system guaranteeing the right of parliamentarians to participate in the commissions regardless of their affiliations
- 3.5.4. Internal system guaranteeing easy flow of work
- 3.5.5. Clear internal system

3.6. Effective parliamentary blocks

Elements of analysis (sub-principles):

- 3.6.1. Organization of blocks based on their own internal system



- 3.6.1.1. Compliance with the internal block system
- 3.6.1.2. Attendance of periodic meetings
- 3.6.1.3. Participation in its work based on preset agenda
- 3.6.2. Compliance of block members with block decisions
- 3.6.3. Parliament's internal system encouraging the creation of organized and effective parliamentary blocks (e.g.: Allocation of parliamentary funds to the blocks for the creation of research centres and hiring experts and qualified staff)

3.7. Effective technical and administrative bodies

Elements of analysis (sub-principles):

- 3.7.1. Existence of specialized technical units (financial analysis, economic analysis, IT...)
 - 3.7.1.1. Objective criteria for appointing parliamentary staff
 - 3.7.1.2. Sufficient number of qualified staff
 - 3.7.1.3. Mandatory periodic training for parliament staff (in order to build their capacity through specialized programs)
 - 3.7.1.4. Adequate salaries for staff
- 3.7.2. Up-to-date library/information and research centre
- 3.7.3. Adequate buildings and equipment
- 3.7.4. Publication of legislation by the parliament (internal newsletter)
- 3.7.5. Publication of reports by the parliament

3.8. Competence of parliamentarians

Elements of analysis (sub-principles):

- 3.8.1. Awareness of their role including the following:
 - 3.8.1.1. Constitutional and legal texts,
 - 3.8.1.2. Rules and procedures of parliament
 - 3.8.1.3. Democratic mechanisms
- 3.8.2. Adequate access to information (Note: as needed for legislative and oversight purposes)
- 3.8.3. Training sessions for parliamentarians (Note: both introductory training and professional development; including the participation of parliamentarians in conferences, seminars and workshops related to the parliament or parliamentary work; adequate time for commencing his/her duties)



4. Integrity

4.1. Parliament ethics

Elements of analysis (sub-principles):

- 4.1.1. Clear and enforced ethics rules, written by the parliament
- 4.1.2. Defined duties and responsibilities of parliamentarians
- 4.1.3. Monitoring of the respect of these rules by an independent body (Note: for example, a high commissioner)
- 4.1.4. Clear, effective and enforced sanctions
- 4.1.5. Official and non official data gathering mechanisms on the behaviour of parliamentarians
- 4.1.6. Access of citizens to information on ethics rules

4.2. Conflict of interest

Elements of analysis (sub-principles):

- 4.2.1. Clear conflict of interest rules
- 4.2.2. Clear, effective and enforced sanctions
- 4.2.3. Publicity of information on conflict of interest
- 4.2.4. Monitoring of the respect of these rules by Parliament
- 4.2.5. Explicit legal obligation to declare financial assets

4.3. Political financing rules

Elements of analysis (sub-principles):

- 4.3.1. Clear political finance rules
- 4.3.2. Clear and enforced income and asset laws
- 4.3.3. Adoption of clear and effective sanctions
- 4.3.4. Monitoring the implementation of these rules and policies
- 4.3.5. Access of citizens to information on financing rules

4.4. Transparency of parliamentary activity

Elements of analysis (sub-principles):

- 4.4.1. Transparent process for the debate and adoption of laws
- 4.4.2. Broadcast of sessions on television and radio
- 4.4.3. Possibility of citizens to attend parliamentary sessions and committee meetings
- 4.4.4. Publication of minutes of sessions and debates
- 4.4.5. Access of citizens to parliamentary archives

4.5. Equal treatment of citizens

Elements of analysis (sub-principles):

- 4.5.1. Impartiality in decision-making (no preference to one faction of citizens over another)
- 4.5.2. Absence of discrimination in legislation (racial, religious, sectarian, gender or other forms of discrimination, parliament legislates in a non bias manner towards financial and economical groups at the expense of public interest)
- 4.5.3. Legislation to prevent discrimination

4.6. Respect of the Constitution

Elements of analysis (sub-principle):

- 4.6.1. Constitutional review mechanism is a safeguard against legislations in violation of the Constitution
- 4.6.2. Effective compliance of legislation with the Constitution



IV. CHAPTER THREE: POLICY RECOMMENDATIONS

Written by: Lead author with the collaboration of the co-author
Background papers may also be requested from contributors
Page number: 10 pages
Draft by: TBD

Note: This is the most important section of the report. It will summarize and organize priority issues and areas in which reforms should be carried out and outline reform strategies. The reforms highlighted will be drawn from the research and the consensus of experts and practitioners surveyed, interviewed and participating in the national workshop.

The recommendation chapter will include a narrative action plan for reform which will highlight short and long term needs and strategies, suggest concrete reforms, and, to the extent possible, direct specific recommendations to identified stakeholders. It will also point to existing barriers or opportunities for reform as well as strategies to overcome barriers or take advantage of opportunities.

The narrative section may be complemented by overview tables included in this chapter or in annex.

V. ANNEXES

- 1) Summary report of the survey(s)
- 2) Best practice indicators for continued monitoring and table of principles
- 3) Bibliography