



The Lebanese  
Parliament



**Workshop on  
The Development of Legislative Drafting  
For Arab Parliaments  
3-6 February 2003, Beirut  
Aide Memoire**

**The Workshop on Legislative Drafting**

The Programme on Governance for the Arab Region is launching a project aiming at developing a legislative drafting module for Arab Parliaments. The objective of the module is to provide Arab legislatures with tools and instruments to strengthen the legislative process and enhance drafting skills, capacities and resources available to them. This workshop/experts meeting is the first step towards developing the module. The purpose of the workshop is to assess current processes, capacities and skills, identify institutional needs and devise a work plan to build legislative capacity in Arab Legislatures.

The workshop will bring together legislative drafters, members of legislative and/or legal parliamentary committees, Secretaries General from Arab Parliaments as well as experts and academicians from the Arab and other regions. The workshop will be held in Beirut, Lebanon on February 4-6th, 2003, under the auspices of the Lebanese Parliament and in partnership with the Secretaries General of Arab Parliaments.

The Workshop program will focus on four primary components in order to develop the framework and content of the module:

- ❑ **The Legislative Process in Arab Legislatures: Comparative Experiences and Lessons Learned.**
- ❑ **Sources and Resources for Legislative Drafting: National, regional and International Sources**
- ❑ **The Pillars of an Effective and Democratic Legislation Process: Skills, Expertise and Capacity**
- ❑ **Legislative Drafting for Good Governance**

**Context:**

Like other states around the globe, Arab governments face a fast and increasing integrated international economic environment with rapid pace of technological change, massive political and economic restructuring, trade liberalization and cross-border investment and financial deregulation. Several Arab states have negotiated and joined international trade bodies and organizations, signed and entered in regional or European

financial and economic treaties and cooperation, and efforts are relentlessly underway to privatize major public operations and sectors. For example, the Arab Free Trade Area with the goal of eliminating tariffs in intra-Arab trade by the year 2008. More Arab States joined the World Trade Organization (WTO) and signed association agreements with the European Union. And the privatization and liberalization of markets have been progressing steadily in several Arab economies.

It is in that context that the UNDP launched the Programme of Governance in the Arab Region. Strengthening the capacity of Legislatures in the Arab States has become one of the three principal components of UNDP's Regional Programme for Governance in the Arab States. The underlying assumption of the Regional Programme is that the legislative and oversight functions need to be performed at a high level of efficiency in countries wishing to integrate in the global economy through adherence to the World Trade Organization (WTO), the Euro-Mediterranean partnership or other similar arrangements. Parliaments will need to take into account the latest rules and regulations pertaining to global trade and investment issues and will need to be alert to the possible socio-economic and environmental consequences of integration in the global economy. Most importantly, parliaments will need to amend legislations to embrace and respond to global economic integration and at the same time they have to ensure that pro-poor policies are in place to shield society from resulting economic shocks and instability.

Further, the UNDP policy on poverty makes clear connection between good governance practices and poverty eradication. It outlines six policy measures to tackle poverty: gender equality and empowerment of women, openness in governance and public participation, accountable and transparent institutions, a strong role for civil society and improvements in the management of globalization, including better trade policies and fairer rules and terms that allow poor countries to enter markets. Legislators will have to ensure legislations and amended bills conform to constitutional provisions and take into consideration ratified international resolutions and agreements.

The Arab Human Development Report, launched in June 2002 by the Regional Bureau for Arab states (RBAS), stressed the crucial role that public policy play with respect to critical factors such as the state of the macro-economy, the functioning of labour markets and the provision of social safety nets. It also pointed out to the role of governments in providing enabling environment for broad-based political support and mobilization for pro-poor policies and markets. This environment can be enhanced by research and policy analysis that “identifies problems, diagnoses their causes and presents options for policy-makers, highlighting the tradeoffs and costs of each option”. However, ineffective legislative drafting contributes to the difficulties that many governments experience in trying to overcome poverty and the vulnerability of some forces in society. Enhancing legislative drafting, serves also to build legislative capacity. The legislators’ principal task requires them to assess proposed legislation against constitutional provisions, criteria of good governance and national development goals. Hence, they require and need appropriate skills and sufficient information and sources to help them achieve these objectives.

Finally, the Arab Human Development Report stressed the need for governance reform to improve the enabling environment for human development in the Arab world. It identified a twin pillar of governance reform: a competent state and an active civil society. This entails governance institutions reform and strengthening the voice of the people.

Arab legislatures are key to this process of fulfilling the promise of development in that it focuses and represent people and can be responsive and open institutions inviting citizens and the poor to have a larger say in policies and laws that affect their lives.

## **Structure**

The first two days of the workshop will engage experts, practitioners, and policy and decision makers in discussions, deliberations and brainstorming exercise towards shaping the framework and content of the legislative drafting module. The third day will be dedicated to discuss participants' feedback and recommendations and devise an action plan to develop and complete the module and implement the outputs and follow up activities. Each day of the workshop will be organized as follows:

- *Sessions to discuss papers prepared by experts, comments of discussants and discussion;*
- *Discussion sessions to give each participant an opportunity to present views and concerns from individual parliaments or case studies as well as brainstorming*
- *A Presentation on steps forward and plan to prepare a manual in Arabic on legislative drafting.*

## **Workshop Agenda**

The workshop will focus on four main elements:

### **The Legislative Process in Arab Legislatures: Comparative Experiences and Lessons Learned.**

A paper will be commissioned to review and examine the current legislative processes in selected Arab countries, drawing lessons learned and sharing experiences bearing in mind, the role of legislatures in these processes, capacity, skills and resources of legislative drafters and legislative departments in the Arab Legislatures, and assistance programs available to them from national governments as well as international organizations. The paper will include a section on internal and external factors affecting legislations, policies and laws as well as tools, instruments and resources available to Arab legislatures to respond to these changes and challenges. It will also include case studies of the role of legislators and the legislative process that took place in response to these changes and pressures.

### **Sources and Resources for Legislative Drafting: National, regional and International Sources**

A paper will be commissioned and presented on the sources and resources available to legislative drafters, legislative departments and legislators in order to produce laws and bills that are well informed, relevant to existing laws, can be translated into programs and constitute best policy options towards achieving development goals and the rule of law.

### **The Pillars of an Effective and Democratic Legislation Process: Skills, Expertise and Capacity**

A paper will be prepared to review skills, expertise and capacity requirements for a democratic and effective legislation process. This will include technical skills, knowledge and level of training and expertise of drafters and legislators and the capacity of the legislature in providing assistance and support to legislators. The paper will also include a review of the different types of legislations (propose, amend, debate a law etc) and the different sets of skills needed for each type and stage.

### **Legislative Drafting for Good Governance**

A presentation on the principles and practices of good governance—considered intrinsic to a democratic legislative process. These are defined as: rule of law, transparency and accountability and participation. The presentation will outline various processes of engagement, international laws and legal agreements, and resources needed for transparent, accountable and democratic legislative and decision making processes.

### **Outputs**

The workshop will produce a blueprint for a legislative module for Arab legislatures. The blueprint will be a reflection of the discussions and recommendations put forward by practitioners, policy makers and experts in the field of legislative drafting and processes. The module will consist of following outputs/products:

- 1) A Legislative Drafting Manual
- 2) A Legislative Training Kit
- 3) A Distance Legislative Learning Kit
- 4) A Legislation Dictionary

### **Follow-Up Action Plan**

The research team will, based on the reports and discussions of the workshop, produce a draft legislative manual. The manual is envisaged to serve as a policy guide or instrument assisting legislatures in the legislative tasks. A second workshop will be organized to discuss the draft manual before a final version is produced and distributed to all parties concerned in the Arab region.

A Training Kit will also be designed and developed to train drafters, legal advisors and policy analysts.

A distance learning Kit will also be developed for the same purpose and for a cost-effective learning process, wherever facilities are available.

The fourth component of the module is a legislation dictionary to assist drafters and legislators with legal terms, codes and technical language used in legislations and laws.