



# **Palestinian Legislative Council Effectiveness Index**

**First annual Report  
2007**

**Parliamentary Unit- Working Team**

**Wafa' Abdel Rahman, Jihad Harb and Ala' Lahlouh**

## Introduction

The Parliamentary Effectiveness Index first annual report is a continuation of the effort dedicated by the Parliamentary Unit at Filastiniyat during the year 2006. The Unit developed a methodology to measure the effectiveness of the Palestinian Legislative Council (PLC) by developing indicators capable of measuring PLC effectiveness. The methodology was completed in cooperation with a "panel" that consists of civil society institutions, researchers and figures interested in the Palestinian Parliamentary work. The index aimed at studying and measuring the effectiveness of the PLC in the Palestinian Authority.

The current report includes a reading for numerical results (quantitative) for 52 indicators which were used to calculate a grade for the index that covers a certain time period, which is the first annual term i.e. (2006-2007). The final report is divided into three sections. The first section includes the research methodology; the second section includes the numerical results for the Legislative Council Index for the first PLC term, including clarification of the importance of the index. And the third section includes a detailed summary of the 52 indicators, which were used to calculate the index, in addition to the methodology used for calculating the index and in data collection<sup>1</sup>.

The Legislative Council Index rated 321 out of possible 1000 points, which is a very low grade; this can be attributed to a number of variables that negatively impacted the effectiveness of the Palestinian Legislative Council during its first annual term. This period witnessed different indicators, both positive and negative; one of the positive indicators is holding the legislative elections on the 25<sup>th</sup> of January 2006. Another positive indicator is the participation of all Palestinian political factions and parties (except for Islamic Jihad). This significant participation is the first for most of the parties like Hamas, the Popular Front- PFLP and the Democratic Front- DFLP. Hamas won most of the Legislative Council's seats (74 seats out of 132), Fatah received 45 seats and the rest of the parties and the independent candidates garnered 13 seats.

Hamas formed the tenth Palestinian Government after its victory in the parliamentary elections with the majority of the seats. As a result, the international community imposed a financial and political embargo on the Palestinian government and people. The international community asked the Palestinian government to acknowledge the existence of the state of Israel and to honor all of the agreements signed between the Israeli and Palestinian sides as a condition to end the embargo. In March 2007, the eleventh Palestinian government was formed, "the unity government," as a result of the Mecca Agreements; this unity government included most of the Palestinian factions and parliamentary blocks in the PLC.

The Israeli Authorities arrested 45 Members of Parliament (MP's), the majority of them being Hamas members, along with the PLC speaker as a reaction to an operation that the militants undertook in Gaza (kidnapping an Israeli soldier in June 2006). This has

---

<sup>1</sup> The translation only covers the methodology and results chapters. The rest of the report is only done in Arabic

affected the regularity of the PLC work and the holding of its sessions, as Hamas feared some laws and regulations might pass against its will if it doesn't have the majority.

In mid June 2007, President Mahmoud Abbas (Abu Mazen) deposed the Prime Minister, Mr. Ismail Hanyieh, a member of Hamas, and announced a state of emergency forming a government that will implement the rules of emergency after the military coup, which Hamas committed in the Gaza Strip. Hamas has occupied the presidential premises (Al-Muntada) and the security/police stations in Gaza. They now completely control the Gaza Strip, which has caused a large number of fatalities and injuries among civilians and threatened the unity and integration of the Palestinian Territories.

The PLC held 21 sessions during the first annual term and failed to hold ten sessions, which were called for during the same term. The ninth session was called for by the PLC on the 18th of September 2006, but it was held on the 24<sup>th</sup> of April 2007 instead after being postponed seven (7) times because there was an inability to make quorum for a parliamentary session. The number of days that the PLC held sessions did not exceed thirty-five (35).

Three draft laws passed the third reading, all of them dealing with the postponement of presenting the budget draft for the year 2006. The PLC speaker banned the questioning of the ministers of interior and education. The ministers only answered twelve (12) questions out of twenty-eight (28), which were presented by the MP's during the first annual term.

The year 2006 witnessed an increase in the rates of poverty and unemployment, annual per capita income remained low (USD 925) all as a result of the closures and siege imposed by the Israel on the Palestinian Territories. Although, in 2005 there had been an actual improvement in the Palestinian overall economic situation. The tenth (10<sup>th</sup>) and eleventh (11<sup>th</sup>) governments were not able to pay salaries for governmental employees as a result of the economic embargo, hence the financial crisis increased for a large number of Palestinians who became incapable of covering their basic needs. Consequently, the governmental employees started a strike in all governmental institutions; the strike started on the second (2<sup>nd</sup>) of September 2006 and included a general strike for teachers and health workers who went back to work after two months.

The lack of personal security and the spread of lawlessness continued as a result of the weakness in the Palestinian Authority's security and civil institutions and bodies, this situation can also be attributed to the internal fighting which reached its peak by Hamas' control over Gaza and the security and civil institutions there. The internal fighting between the supporters of Hamas and Fatah and the executive force, which was formed by the Minister of Interior from Hamas caused more that 600 fatalities among the civilian population during the period 2006-2007 (according to the Palestinian Commission for Citizens' Rights reports).

According the Palestinian Central Bureau of Statistics, the population of the West Bank and Gaza was 3.95 million in the year 2006, and there was an improvement in the levels of

education in the Palestinian Territories, in terms of the number of schools, the teacher/students rates, and the decrease in illiteracy rates. The number of schools and Kindergartens totaled 3,212, the number of students 26:1 for each teacher, and the illiteracy rate 7.7% in general and 3.65% for males and 12% for females. The percentage of people who have health insurance in the year 2006 was 76. 1%.

As for the economic situation in 2006, the international and local reports showed a sizable deterioration in the Palestinian economy due to the strict limitations on exports and imports imposed by the Israeli Authorities. The closure that the Israeli authorities impose on the Palestinian territories prohibits the free movement of goods and workers within the territories (West Bank and Gaza) and Israel. 32% of the Palestinian work force is unemployed; consequently the Gross National Product (GNP) has decreased by 18% (from USD 4. 5 Billion in 2005 to 3.7 Billion in 2007). Poverty rates reached their peak by having 65.8% of the Palestinians, which is equal to two thirds of the population, under the poverty line (USD 2/Day). The percentage of Palestinians who depend on humanitarian aid has increased drastically as 70% of the Palestinian families (69 % in the West Bank and 72% in the Gaza Strip) depend on aid that is provided by local and international organizations in forms of food packages or financial payments. The international humanitarian agencies warned that the economic situation will further deteriorate in the Palestinian Territories, especially in the Gaza Strip.

As for the Israeli measures, the year 2006 witnessed an increase in the Israeli violations resulting in the death of 692 Palestinians and causing 1,263 injury cases. The Israeli policies of house demolition and land confiscation and destruction continued especially in the Gaza Strip. Also, the launching of rockets from the Palestinian Side (Gaza Strip) on the Israeli towns never stopped. In addition to that, the expansion of settlements continued throughout the West Bank, creating new settlements and expanding the existing ones or adding housing units to them, and the further construction of the Separation Wall continued to be built inside the West Bank.

In terms of developing/improving the Palestinian Institutions, the year 2006 witnessed levels of deterioration in this matter. The governmental budget was not presented to the PLC, the security institutions were destroyed and the structure of governmental civil institutions collapsed in the Gaza Strip. Also, this year witnessed a number of Constitutional infractions from the executive authorities both the government and the President.

Filastiniyat would like to express its gratitude to the institutions and persons who contributed to this report by providing invaluable information. Special thanks go to the working team, which contributed to the development of the methodology, especially Dr. Faisal Awartani, Faida Awashreh, Yasser Salah and Sami Al-Haw .

**First Chapter**  
**Methodology**

This effort aims at measuring the effectiveness of the Legislative Council in Palestine as it forms a numerical scrutiny of the status of fifty-two (52) indicators, which were selected for their ability to measure the PLC effectiveness within the Palestinian political system. The information related to the fifty-two (52) indicators will be collected every year; therefore, the index should be able to track the negative and positive changes that rise in the work environment of the PLC and its functions by recurrences of certain indices.

There are many statistical and non-statistical indices to monitor and evaluate economic, social and political conditions. For example, the per capita income is used to categorize a country in regards to its economic growth and a democracy index is used to measure the pattern and trend of a democratic change in a certain country. While having a PLC effectiveness index is an attempt to find a numerical or (quantitative) expression for the PLC capacity as an institution of legislation and oversight within the political system, It is also a tool to ensure the PLC is fulfilling its legal and functional role entrusted to it by the public. Various indicators for the PLC effectiveness index are used to take into account the differences between social changes, institutional changes, economic changes as well as changes in other fields that can be easily measured quantitatively.

The PLC effectiveness index deals with the above indicators cautiously since they are pertinent and interrelated to impressions, values, principles and many other interrelated institutions in the community. Considering the technicalities of the index calculations, the Panel tried to benefit from similar experiences such as the Report on the Democracy Index in Palestine, which was published by the Palestinian Center for Policy and Survey Research.

### (1) The characteristics of the PLC's effectiveness index

The index of the PLC's effectiveness formulates a numerical reading for the PLC's performance and its ability to achieve the overall goals of democracy because of the interrelation of the legislative authority with the other authorities in the political system. A parliament without legitimacy is hardly considered as a parliament and a weak parliament that is incapable of questioning the executive authority and inactive in issuing legislation will affect and consequently weaken the whole democratic change process. Contemporary literature considers measuring the Legislative Council's effectiveness and its ability to perform its constitutional functions as the first step towards developing a legislative institution and a suitable way for achieving democratic change. Given that the various aspects of political life necessarily entail the legislative council, it is imperative that their influence and their role is increased in the phase of creating a democratic change.

The crucial relationship between oversight and legislation along with the regularity of the council's activities is considered to be integral in furthering democracy. The index aims at recognizing the PLC's ability to advance the process of democratic change within its comprehensive framework and establishing an institutional basis for ruling, making the PLC proactive in prompting political change.

The Characteristics concerning the PLC's effectiveness and the methodology that has been chosen to monitor such effectiveness is based on several of the following studies. One of the most significant studies are those related to measuring **the ability to confront restraints, which** concentrates on studying a group of restraints that influence the effectiveness of the Legislative Council in political life including both the external (political) level and the internal (institutional and organizational) level. This index mixes different kinds of approaches through different indicators of legal characteristics (such as the organizational and constitutional framework that identifies the kind of legislative council, authorities and functions that it has), along with other indicators possessing practical characteristics (such as the restraints imposed by the executive authority on the PLC's effectiveness).

Two schools specializing in parliamentary studies argue about how to assess the Legislative Council's effectiveness. The first school evaluates only its performance, while the second school measures both its effectiveness and performance without arbitrary separation between the two. The Legislative Council's performance should be conducted utilizing a broader societal scope; otherwise, it becomes a procedural process that may result in misleading outcomes. For example, the increase in the number of inquiries conducted by the PLC, as there were five cases during 2005 related to health, the disabled, electricity, the civil servants and lawlessness.) These discussions were characterized as serious. From this perspective, it can be agreed that the performance of the PLC during this year compared to past years was good. Yet from the analytical overall perspective, facts indicate that the PLC's effectiveness in political life has decreased in regards with the outcomes of the inquiries that led to a change in the agenda. This has contributed to viewing inquiries as a way of renewing confidence in ministers rather than as an oversight tool that bears speculation and might wind up blocking confidence even if it is considered from a theoretical perspective.

Regardless of the "partisan" balances on the track of questioning, practicing the parliamentary activities in the PLC has subjugated the questioning to become a tool to initiate discussion with a minister and not a tool to affect the cabinet's policies, let alone its members. Moreover, people who file these inquiries have rarely asked for the dismissal of a minister. In other words, the high performance of the PLC in cases of inquiries has not added much to its effectiveness, nor has it contributed to activating a mechanism for oversight or creating balance between the government and the council.

## (2) Indicators and weights of the PLC's effectiveness index

After long discussions, consultations, and reviews of literature relevant to the Legislative Council, fifty-two (52) indicators were selected. A work group (panel,) comprising several civil society organizations that have worked with the PLC for several years was

formed to follow up on several groups of these indicators with the supervision of the Panel. Each indicator was given 1,000 points and a certain method of calculation was defined for each indicator according to the case it should observe, and accordingly each indicator was given a specific weight in the index. The initial contribution of each indicator (before weighing) is 01.923%. Each specified weight was estimated according to the evaluation of the work group comprised of seventeen (17) representatives from civil society institutions working in the field of democracy and human rights.

Participants were required to evaluate all the indicators used in the index according to their ability to measure the PLC's effectiveness, using a scale from (0) to (10). The indicator's specific weight formulates from the rates of scores that were given to it in the survey. It is worthy of mentioning that when addressing a score (value) of any of the indicators, this score will not be weighted. Yet when addressing the index's score or any of the index's categorizations then it demonstrates rates of weighted indicators.

The fifty-two (52) indicators are the components of the PLC effectiveness index in Palestine. Each indicator quantitatively examines one aspect that refers to the PLC's activity in accordance with two considerations. First, the measuring of the level of pertinence with the PLC's activities considering it as all of the following: an active institution in the political system, an organizer for the relationship of the PLC with the community, and the level of the PLC's respect of social participation and openness to the public. And second, the ability to measure indicators during relatively short periods of time, without neglecting the index indicators that can measure a longer period of time and their ability to observe the course and the manner of the PLC's effectiveness.

Both considerations come from the Panel's pursued goals of having an index for the PLC's effectiveness in Palestine, which are:

1. To inform the public and all concerned people about the PLC's activities through periodical reports.
2. To assist the PLC in performing its duties and tasks, especially duties related to legislation, oversight and accountability directed toward the executive authority, the enhancement of social participation in parliamentary work, and the development of a parliamentary culture.
3. To lay down an experimental method capable of measuring organizational oversight and legislative variables quantitatively, so it will be possible to measure these variables through various courses of time allowing for the oversight of the PLC's effectiveness.

The Panel sought for the selected indicators to be relevant to various fields of the PLC's activities: oversight, legislation, public policies, and its relationship with the public and civil society organizations. It also sought for these variables to reflect the phases of decision-making process in the PLC, from preparation of the PLC's sessions to the participation of the members of parliament, and finally the implementation and establishing guarantees for the continuity of the implementation and making the required progress for this. All of the previously mentioned selections took place in order to create

indicators capable of measuring the PLC effectiveness in Palestine. The Panel aimed at having all the indicators demonstrate the various aspects of parliamentary life: legislation and oversight, societal participation, and the public's evaluation of parliamentary activities. According to the evaluation of the task force, oversight indicators were given a larger percentage (53%) of the field than the other indicators, which reflects the civil society's awareness regarding the significance of oversight for the PLC, and because the parliamentary process is active more prominently in this aspect.

The group of indicators and the methodology was carefully and deliberately selected within the following considerations:

**First:** to use random samples when polling for information related to civilians and civil society organizations.

**Second:** to use a specific number of indicators as tools to measure the aspects of parliamentary life since it is not possible to use all indicators related to the PLC's effectiveness index due to their large number.

**Third:** to choose indicators that can be observed periodically; therefore, indicators of immediate and more accurate ranking of the performance of the council and its relationship with the executive authority were chosen.

### (3) Information sources

Studying the indicators, several forms will be approved in order to access the information required for the indicator from their main sources, and also from follow-up sources on the PLC's activities in order to maintain the accuracy and credibility of each indicator.

Information for indicators was derived from the following sources:

1. PLC's records and minutes of meetings.
2. Governmental sources, such as the Cabinet and ministers
3. Local media and Arab media
4. NGO's and political parties, unions, and vocational institutions
5. Public opinion polls conducted by Filastiniyat specifically for the index

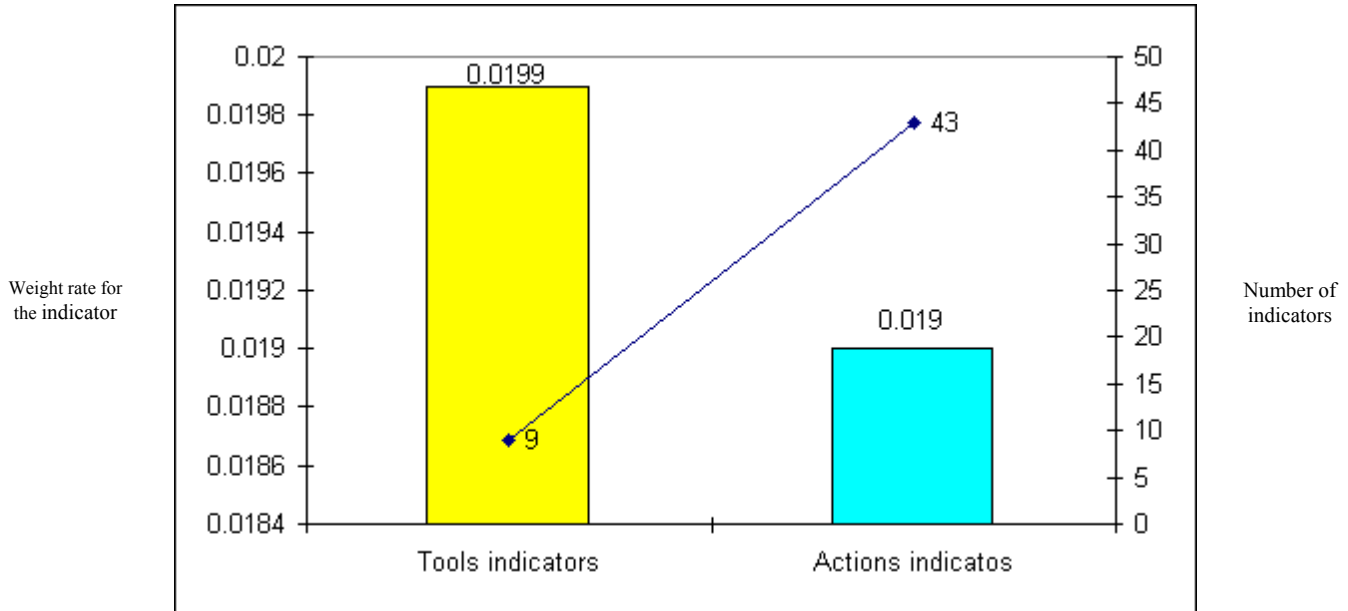
### (4) Index categorizations

The index has one numerical value that expresses the effectiveness of the PLC during the research period. It also has fifty-two (52) indicators with fifty-two (52) numbers; each of these numbers expresses the condition of each indicator separately. Moreover, the Panel verified that adding other categorizations to the index may contribute to having a broader understanding of parliamentary work, its categories, fields and different values.

The first categorization divides the fifty-two (52) indicators into two subcategories; "tools indicators" that demonstrate the PLC effectiveness and "actions indicators" that demonstrate the PLC's practices.

As shown in figure (1), the number of indicators related to tools is nine (9) while the other forty-two (42) indicators are related to actions. The weight rate of each tools indicator is 0.0199, while the weight rate of each actions indicator is 0.0190.

*Figure (1) first categorization for the index according to tools and actions subcategories:  
(Number of indicators and the weight rate for the indicator)*

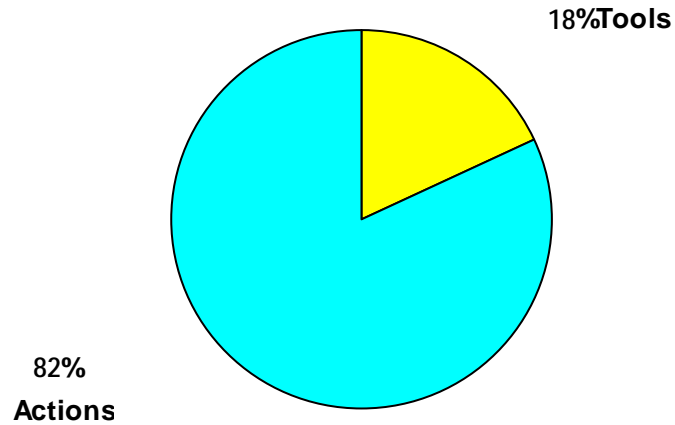


Tools indicators refer to the aspects of the PLC's effectiveness that lay down the constitutional legal and institutional base, which creates an adequate environment for effective actions to take place. For example, we chose indicators such as the constitutional guarantee for the right of the PLC to grant confidence to the government and discuss its ministerial statement, to block confidence from the government, to question ministers and hearing sessions in accordance with the Basic Law and the standing orders, to review the presidential decrees, which have the characteristic of legislation, to interrogate ministers and their associates, and to withdraw confidence from the government in case the Cabinet delays submitting a draft law of the budget and the final balance. We chose oversight tools rather than legislative tools and regularity of the council's activities out of our belief that oversight tools are the most important tools to identify the PLC's effectiveness.

As for indicators that measure actions, they are related to practical applications of constitutional basis and legal regulations and other tool that enable the council to perform its work. For example, we find an indicator that measures the respect of the council's sessions in accordance with the standing orders, another one that measures the percentage of legislative initiative out of the total number of draft laws submitted in the annual term or the percentage of inquiries conducted by the council for the government compared to public opinion issues raised in the media, and the percentage of citizens who believe in the existence of corruption in the Authority.

Figure (2) shows the weight given to tools indicators (18%) compared to the weights given to actions indicators (84%). The reason for the interest in actions is that they examine actual values of the legal and constitutional rules and compare them with PLC actions, especially during the early phases of the transition process from a one-party council to a multi-party one.

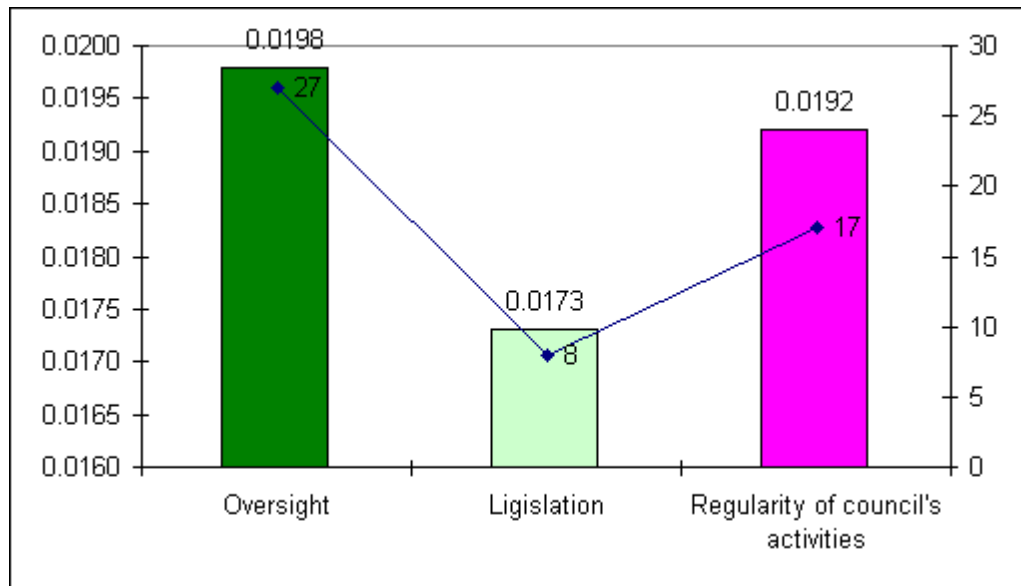
*Figure (2) Distribution of index's weights according to the tools and actions subcategories*



The second categorization divides the index into three fields; oversight, legislation and, regularity of council activities. There is a concentration on oversight because of its significance for the PLC's effectiveness yet without overlooking the importance of the other two fields, especially the regularity of the council's activities.

As shown in figure 3 the number of indicators related to oversight is twenty-seven (27), while indicators related to legislation is nine (9) and indicators related to the regularity of council activities is seventeen (17). The weight rate of each oversight indicator is 0.0198, 0.0173 for the legislation indicator, and 0.0192 for the regularity of the council's activities.

*Figure 3 the second categorization for the index in accordance with the oversight, legislation and regularity of council's activities (Number of indicators and the weight rate of each indicator)*



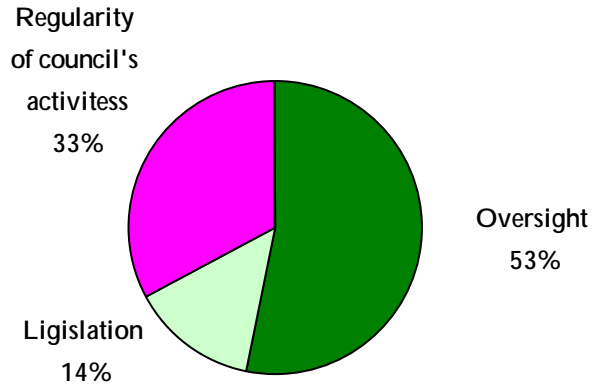
Weight rate of the indicator

Number of indicators

Figure 4 however, shows that half of the index weight is from the oversight indicators (53%) followed by the regularity of council's activities (33%) then the legislative indicators (14%).

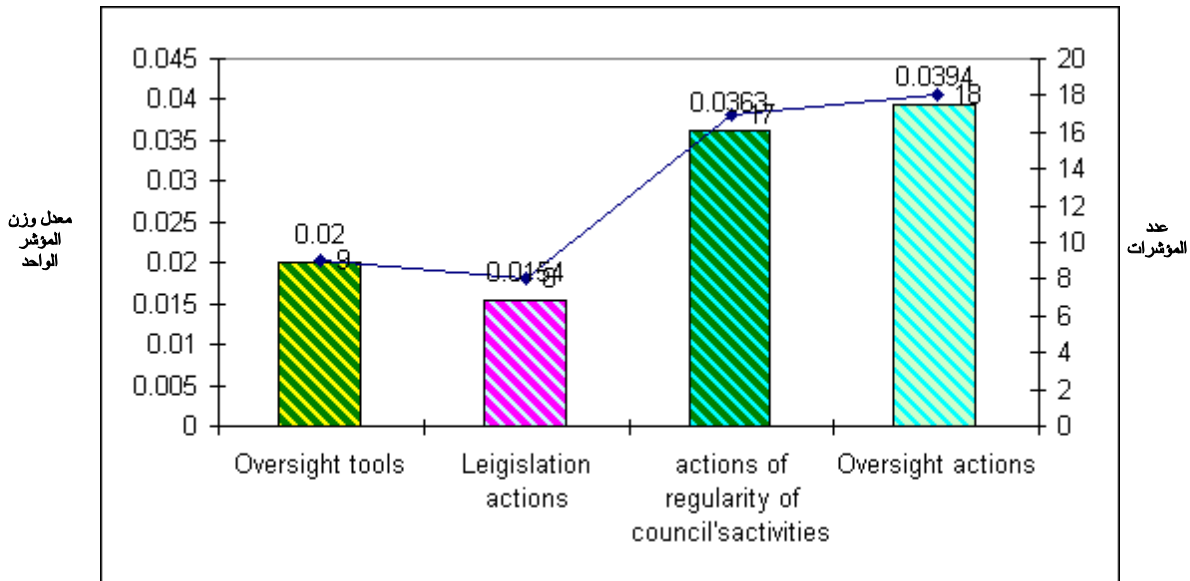
The importance of interest in indicators relevant to the regularity of council activities is due to the PLC's recent experience and to the nature of transferring from a one-party to a multiparty council as creating changes in this field is a vital step toward activating the PLC.

*Figure 4 Distribution of the index's weights in accordance with oversight, legislation, and the regularity of council's activities*



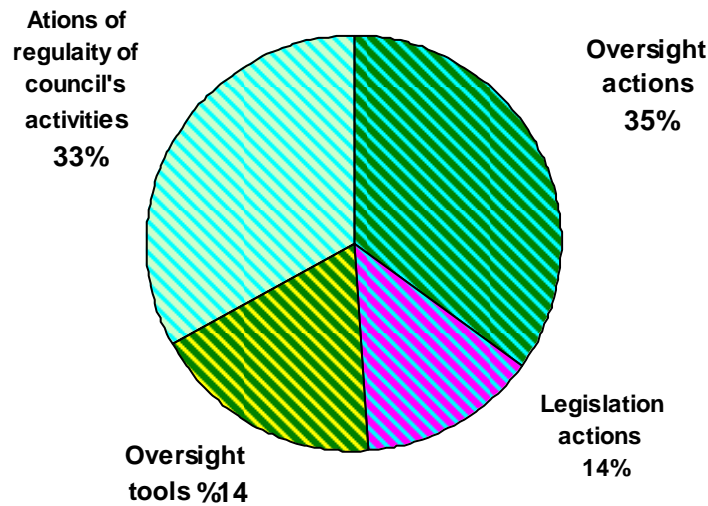
Furthermore, there is a binary categorization that combines the first and the second categorizations. The main use of it is the distribution of oversight field on tools and actions subcategories. View figure 5.

*Figure 5: Binary categorization for the index in accordance with the subcategories and the fields  
Number of indicators and the weight rate of each indicator*



Oversight actions remain the most important in the index even after dividing the oversight field on both the tools and actions subcategories as clarified in figure 6.

*Figure 6: the distribution of index's weights in accordance with the binary categorization for subcategories and fields*



As clarified in figure 7, the third categorization divides the index into six (6) values for the Legislative Council's effectiveness;

1. Accountability, such as the number of indicators submitted in an annual term, the commitment of the ministers to attend the PLC's sessions in relevance with posing questions. Indicators related to accountability are eighteen (18) and the weight of each indicator is 0.0200
2. The right to access information, such as making PLC meetings public. Number of indicators related to this are nine (9) and the weight for each indicator is 0.0183
3. Institutional building, such as the number of days the PLC convenes in each term. Number of indicators in relevance are twelve (12) and the weight of each indicator is 0.0185
4. Communal participation, such as the participation of the private sector and civil organizations in PLC committees' meetings. The number of indicators are six (6) and the weight for each indicator is 0.0168.
5. The legislative capacity, such as the number of laws referred to the president in each term. The number of indicators are three (3) and the weight of each indicator is 0.0186.
6. Political interference, such as making amendments on the provisions of the annual budget. The number of indicators are four and the weight for each indicator is 0.0239.

*Figure 7: the third categorization for the index in accordance with values*

(Number of indicators and the weight of the indicator)

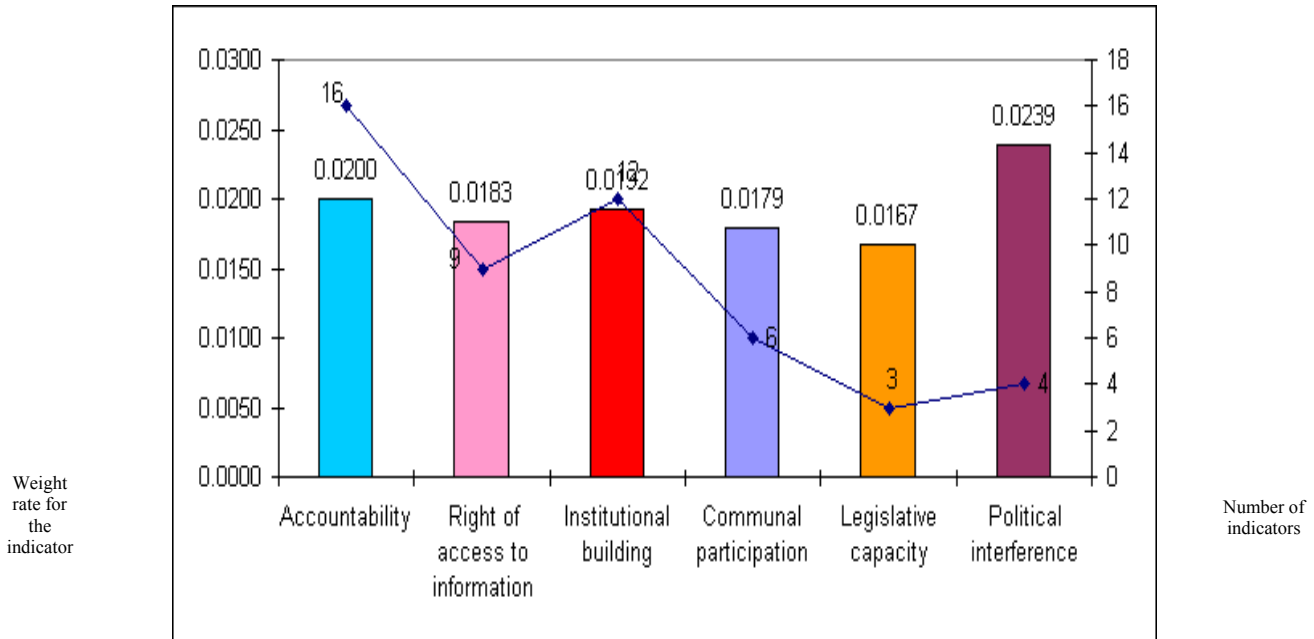
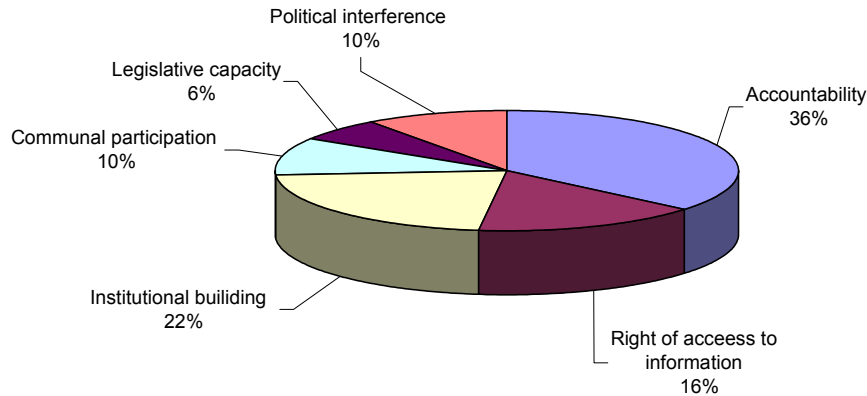


Figure 8 shows that the weight of accountability ranked at the top of the list (36%) followed by institutional building (22%) then the right to access information (16%). Political interference and communal participation each received (10%) and the legislative capacity come in sixth place at (6%) .

Figure 8 Distribution of weight in accordance with the democratic values



### (5) Reading of the index

The index begins by setting a quantitative estimation for the effectiveness of the PLC in Palestine during its first term related to the periodical report. The index can be read on three levels:

**Level one:** represented in reading the final numerical value (the total that is a reading, which enables abstract and general knowledge of the PLC's effectiveness).

**Level two:** represented in reading the numerical value according to the different categorizations. It is possible at this level to have a more detailed knowledge of the condition of the PLC's effectiveness during the reporting period and detect the subcategories, fields, and values that witnessed progress or drawback.

**Level three:** represented in reading the indicators and it is possible to observe the fifty-two (52) issues being measured in order to reach the index. Primary fields can also be detected in order to arrange the priority of influence in the parliamentary process and to concentrate on fields that have complex influence.

## Indicators of the PLC effectiveness Index

**Table of measurements for the indicators that measure the**

| # | Pervious # | Indicator  | Sector    | Field                        | Double Classification                         | Value                              |
|---|------------|--|-----------|------------------------------|---|------------------------------------|
| 1 | 13         | Meetings of the PLC committees in a public manner  | practices | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 2 | 14         | Respect of the dates of the PLC sessions in accordance with the standing orders and / or the agenda of the annual term.            | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 3 | 15         | Number of days the PLC convenes in each term   | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 4 | 16         | Number of the PLC sessions   | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 5 | 17         | The PLC respect towards the distribution of the agenda according to deadlines  | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 6 | 18         | Distribution of the PLC decisions to the oversight, legislation, the internal administration, and the political affairs committee. | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 7 | 38         | The number of committees' meetings compared to the number of PLC meetings  | practices | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 8 | 41         | Participation of parliament members in the committees' sessions and the PLC sessions   | practices | regularity of PLC activities | Practices of the regularity of                | institutional building             |

|    |    |   |            |                              |   |                                    |
|----|----|---|------------|------------------------------|---|------------------------------------|
|    |    |   |            |                              | PLC activities                                |                                    |
| 9  | 43 | The respect of public sessions  | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 10 | 45 | Maintaining the web page for the PLC activities   | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 11 | 46 | Publishing of the minutes of meetings or a summary  | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 12 | 47 | The issuance of the PLC periodical (magazine) regularly   | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 13 | 48 | A clear technique for serving the public  | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | institutional building             |
| 14 | 49 | The announcement of how parliament members vote for draft laws in the three readings and the PLC decisions (vote for confidence or no confidence for the government )                           | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 15 | 50 | The number of public hearing sessions to discuss public issues with the participation of governmental institutions, and private and civil organizations. Sessions are to be open for the public | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | the right to access to information |
| 16 | 51 | The participation of the private sector and civil organizations in PLC committee's meetings   | practice s | regularity of PLC activities | Practices of the regularity of PLC activities | community participation            |
| 17 | 52 | The evaluation of civil society organizations to work with the PLC committees   | practice s | regularity of PLC activities | Practices of the regularity of PLC            | community participation            |

|    |    |   |               |                 | activities               |  |
|----|----|---|---------------|-----------------|--------------------------|--|
| 18 | 12 | The percentage of draft laws published in local newspapers compared to the total draft laws ratified in the first reading                                     | practice<br>s | legislatio<br>n | Legislation<br>practices | the right to<br>access to<br>information |
| 19 | 19 | Respect of the due date to accomplish draft laws in the different readings during the annual term   | practice<br>s | legislatio<br>n | Legislation<br>practices | Legislative<br>capacity                  |
| 20 | 20 | Number of laws referred to the president within each term   | practice<br>s | legislatio<br>n | Legislation<br>practices | Legislative<br>capacity                  |
| 21 | 21 | The adoption of fast-pace legislations  | practice<br>s | legislatio<br>n | Legislation<br>practices | the right to<br>access to<br>information |
| 22 | 22 | The percentage of the legislative initiatives out of the total number of draft laws presented during the annual term  | practice<br>s | legislatio<br>n | Legislation<br>practices | institutional<br>building                |
| 23 | 34 | The number of draft laws ratified in the PLC and was not decreed by the president of the executive authority or being opposed within the legal period of time | practice<br>s | legislatio<br>n | Legislation<br>practices | Legislative<br>capacity                  |
| 24 | 39 | Finalized committees' reports compared to the number of issues and draft laws presented before them   | practice<br>s | legislatio<br>n | Legislation<br>practices | institutional<br>building                |
| 25 | 42 | The percentage of parliament members who propose draft laws out of the total number of parliament members   | practice<br>s | legislatio<br>n | Legislation<br>practices | political<br>interference                |
| 26 | 1  | The basic law guarantees the right of the PLC to grant confidence to the government and discuss its statement   | tools         | oversight       | oversight<br>tools       | accountabilit<br>y                       |
| 27 | 2  | The right of the PLC to block confidence from the government. The Basic law has set conditions for the vote of no confidence                                  | tools         | oversight       | oversight<br>tools       | accountabilit<br>y                       |
| 28 | 3  | In accordance with the Basic Law and the standing orders, the PLC has the right to question ministers and hearing sessions.                                   | tools         | oversight       | oversight<br>tools       | accountabilit<br>y                       |

|    |    |  |           |           |                     |                         |
|----|----|--|-----------|-----------|---------------------|-------------------------|
| 29 | 4  | The PLC right to interrogate ministers and their associates  | tools     | oversight | oversight tools     | accountability          |
| 30 | 5  | The establishment of parliament investigative committees ( fact-finding committees) while the law and / or the standing orders organize their work procedures  | tools     | oversight | oversight tools     | accountability          |
| 31 | 6  | The right of the PLC to review the presidential decrees issued by the president which have the legislative characteristic  | tools     | oversight | oversight tools     | accountability          |
| 32 | 7  | The Basic Law grants the PLC the ability to review the state of emergency within a reasonable period of time before declaring it   | tools     | oversight | oversight tools     | accountability          |
| 33 | 8  | The PLC has the right to ratify the appointment of senior public officials in the Palestinian Authority  | tools     | oversight | oversight tools     | accountability          |
| 34 | 9  | People's evaluation of the performance of the PLC  | practices | oversight | oversight practices | community participation |
| 35 | 10 | The Basic Law and the standing orders allow the PLC to withdraw the confidence from the government in case of the cabinet's delay in submitting a draft law of the budget and the final balance on their due dates | practices | oversight | oversight practices | accountability          |
| 36 | 11 | The PLC grants parliament blocs specific privileges such as representation in the committee of the PLC affairs, the administration of committees   | practices | oversight | oversight practices | institutional building  |
| 37 | 23 | Number of questions presented within the annual term, the commitment of ministers to attend the PLC sessions in relevance with posing questions  | practices | oversight | oversight practices | accountability          |
| 38 | 24 | The evaluation of civil society organizations in examining the budget  | practices | oversight | oversight practices | community participation |
| 39 | 25 | The percentage of citizens who believe in the existence of corruption in the Authority   | practices | oversight | oversight practices | community participation |

|                             |    |  |               |           |                        |                            |
|-----------------------------|----|--|---------------|-----------|------------------------|----------------------------|
| 40                          | 26 | Number of inquiries within an annual term compared to public opinion issues raised in the media  | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 41                          | 27 | The formation of the PLC of fact-finding committees compared to the public opinion issues raised in the media  | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 42                          | 28 | Number of sessions that suggests withdrawing confidence from ministers or the government   | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 43                          | 29 | The request to demonstrate presidential decrees of legislative characteristics.  | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 44                          | 30 | The PLC discussion of the annual report of Financial and Administrative Oversight Department as well as the report of the Illegal Earning Commission and the Palestinian Independent Commission for Citizen's Rights | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 45                          | 31 | The evaluation of civil society organizations of the PLC performance   | practice<br>s | oversight | oversight<br>practices | Community<br>participation |
| 46                          | 32 | The ratification of the annual budget within its legal date  | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 47                          | 33 | Amendment of the annual general budget provisions  | practice<br>s | oversight | oversight<br>practices | political<br>interference  |
| 48                          | 35 | The endorsement of the final balance of the National Authority   | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 49                          | 36 | Ratifying the national (development) plan and presenting amendments by the PLC   | practice<br>s | oversight | oversight<br>practices | Political<br>interference  |
| 50                          | 37 | Ratifying the loans contracted by the National Authority   | practice<br>s | oversight | oversight<br>practices | Political<br>interference  |
| 51                          | 40 | Number of complaints that have been discussed and the responses given to those who filed them  | practice<br>s | oversight | oversight<br>practices | accountabilit<br>y         |
| 52                          | 44 | The PLC preparation of a refutation study for the general budget project during the foreseen time and presenting it for the PLC discussion   | practice<br>s | oversight | oversight<br>practices | institutional<br>building  |
| <b>results, ratings and</b> |    |  |               |           |                        |                            |

|  |  |                     |  |  |  |  |
|--|--|---------------------|--|--|--|--|
|  |  | <b>calculations</b> |  |  |  |  |
|  |  |                     |  |  |  |  |

# **Second Chapter**

## **Results of the PLC First Effectiveness Index**

This chapter presents the main characteristics of the PLC effectiveness Index and it includes a detailed table with the results of the fifty-two (52) indicators. The chapter then presents the results of the index according to the three levels as well as the double categorizing method. To examine all the details for the results of the indicators and the source of information see Appendix (2).

(1) The main characteristics for the PLC effectiveness index in the first reading (2006-2007)

The results of the PLC Effectiveness Index for the first term (2006-2007) show the following characteristics:

1. The PLC Effectiveness Index for the period that covers the first annual term (18/02/2006-06/06/2007) scored 321 points out of a possible 1,000 points.
2. Twenty-one (21) indicators out of fifty-two (52) (i.e. 40% of the total indicators) scored zero (0), which is the lowest score any indicator can earn. These indicators are related to main issues that have to do with the work of the PLC, like withdrawing confidence from the government in case the Cabinet delays submitting a draft law of the budget and the final balance. Also, the indicators are related to measures of the percentage of legislative initiatives present in local newspapers out of the total number of draft laws passed in the first reading; the publicity of the PLC meetings, abiding by the dates for convening PLC sessions according to the by-laws and/or the agenda for the annual term; abiding by the legal period appointed to carry out the draft laws in the various readings of the annual term, referring to fast legislation, the number of questions presented in the annual term; the commitment of the ministers to attend the council sessions concerned with the presentation of questions; the number of sessions convened for a vote of no-confidence towards the ministers or the government; the request of presenting the presidential decrees with a legislative character; the council's discussion of the annual reports presented by the *Committee for Financial and Administrative Monitoring*, the *Commission for Illegal Earnings*, the *Palestinian Independent Commission for Citizens' Rights*, granting the approval to the yearly budget in conference to the dates assigned, making alterations to the items of the general yearly budget, certifying the final year accounts for the PNA, certifying the national plan (developmental) and presenting the modifications to it by the council; the council's preparation of a refutation study for the project of the annual budget according to a specific time and referring it to the council's deliberations; the reflection and adherence of the website to the activities of the council; the release of the minutes of the sessions or their summaries, the publishing of a periodical (journal) in an orderly fashion, a clear mechanism for the providing of public services, announcing the voting system adopted by the parliamentarians on the draft laws throughout the three readings and the council's decisions (vote of confidence or no-confidence for the government); the number of public hearing sessions for the discussion of public cases with the participation of governmental, private and non-governmental institutions and open for the public.
3. Eight (8) indicators (15%) scored very low points (250 or less) that are related to the number of questionings in the annual term in comparison to the cases of public opinion, which had been instigated in media; the number of laws delegated to the president in every term; the belief that there is corruption in the authority; the formulation of fact-finding missions by the council in relation to cases instigated by public opinion through the media, the participation of NGOs and the

- private sector in the meetings convened by the various committees of the council, the finalized reports of the committees in comparison to the number of cases and draft laws subjected to them; the evaluation of the civil society institution to its involvement in studying the budget and the performance of the council.
4. Eight (8) indicators (15% of the total number of indicators) scored low points (251-500). These indicators were related to the evaluation of the civil society institutions for the work of the committees of the council; the number of the draft laws approved in the PLC that were not issued or objected to by the president of the executive council throughout the legal duration; the number of days of the council's convening throughout each term; the number of complaints that were processed by the council and the answers provided to the issuers; the division of the decisions of the council on monitoring, legislation, internal administration and political issues; the right of the council to withdraw its vote of confidence from the government and the placing of the Basic Law conditions for the vote of no confidence, the forming of parliamentary investigatory committees (fact-finding) and regulation of law and/or the by-laws their working arrangements; the Basic Law granting the PLC examination of the emergency state ample time to its announcement.
  5. Seven (7) indicators (13%) scored medium points (501-750). These indicators are related to the evaluation of citizens to the performance of the PLC, the number of the committees' meetings convened in comparison to the suppositional number; the right of the council to certify the appointment of senior staff in the PNA; the percentage of MPs suggesting draft laws in comparison to the total number of MPs; the adherence of the council to distribute the agendas in a timely duration; the number of sessions of the council, and the participation of the MPs in the council's sessions and the sessions of the committees.
  6. Eight (8) indicators (15% of the total number of fifty-two (52) indicators) scored good points (751 – 1000). These indicators are related to the percentage of legislative initiatives from the total draft laws presented in the annual term, approving loans that are agreed by the PNA, respecting the publicity of the sessions and the right of the PLC to question the ministers; the right of the PLC to give the vote of confidence to the government and discuss the government's plan; the right of the PLC to question the ministers and those who are in the same level of ministers; the right of the PLC to revise presidential decrees that have the characteristics of legislation; the right of the PLC to give the parliamentary blocks certain privileges like the representation in the PLC affairs commission and the presidency of the committees.
  7. What is worth noticing is that three quarters of the indicators (thirty-seven (37) out of fifty-two (52) i.e. 71%) received scores that are between zero (0) and 500.
  8. Looking at the indicators according to the first categorization (Sectors) it appears that the practices sector received a low score where the weighted average score

for this sector is 242 points, while the tools sector received a medium score which is 682 weighted points. This can be explained by mentioning that the basic law, the law of rights and obligations of the PLC members and the by-laws of the PLC, give the PLC and its members the ability to conduct their monitoring and legislative duties. But, continuing with the same situation would eventually cause the elimination of the content of the basic law and the by-laws, this calls for the implementation of the legal basis, especially those indicators that received the lowest scores in terms of monitoring and legislations.

9. The indicators, according to the second categorization (monitoring and legislative fields and the regularity of the PLC work) showed that the “medium” scores are close. The indicator that is related to the monitoring field received 343 points, the indicator for the regularity of the PLC work received 310 points, while the indicator related to legislation received 260 points. These results show that the effectiveness of the PLC is very low in terms of the three fields. The low scores for the regularity of the work of the PLC can be attributed to external factors, especially the Israeli abductions of a large number of the PLC members, and to contextual reasons that are related to the governmental employees strike and the escalation of the conflict between Fatah and Hamas. But, the low score that was given to the fields of monitoring and legislation is more disturbing. The results show, according to the double categorization, a good score for the monitoring tools indicator (682 points) in comparison to the decrease by three quarters for the monitoring practices (172 points), such results indicate that it is very important that PLC members give special attention to the field of monitoring.
10. The scores of the third category (values) show that all values received low scores and none of the values reached the score 500. The highest score was given to the institutional framework (457 points), in the second position we find the field of questioning (373 points) followed by the political interference (333 points) followed by community involvement (251 points). The legislative capacity was given (135 points) and the rights to acquire information received (124 points). The results show a significant discrepancy in all fields, especially in terms of the legislative capacity and the right to acquire information, this calls for working towards the improvement of the legislative capacity of the PLC and the usage of techniques that are able to present and improve information.

## **(2) Detailed results in terms of indicators**

The detailed results for the fifty-two (52) indicators included in the index indicate that there is a great gap between the scores of each indicator. While seven (7) indicators received the score (1000), which is the highest, twenty-one (21) indicators received the score of zero (0), which is the lowest any indicator can get. More than half of the indicators received very low scores ( less than 250 points).

The following table includes a list of the all the indicators included in the index, the categorization, the scores they received and their weight in the index. All the

information about the indicators and the source of the score can be acquired by referring to appendix (2) in this report.

**(3) Results according to the categories**

The report categorizes the index, as we mentioned earlier, into three categories, according to sector, according to the field and according to value. Also there is an additional category, which is the double category, which integrates the sector and field categories (the first and the second).

**Results of the first category (sectors):**

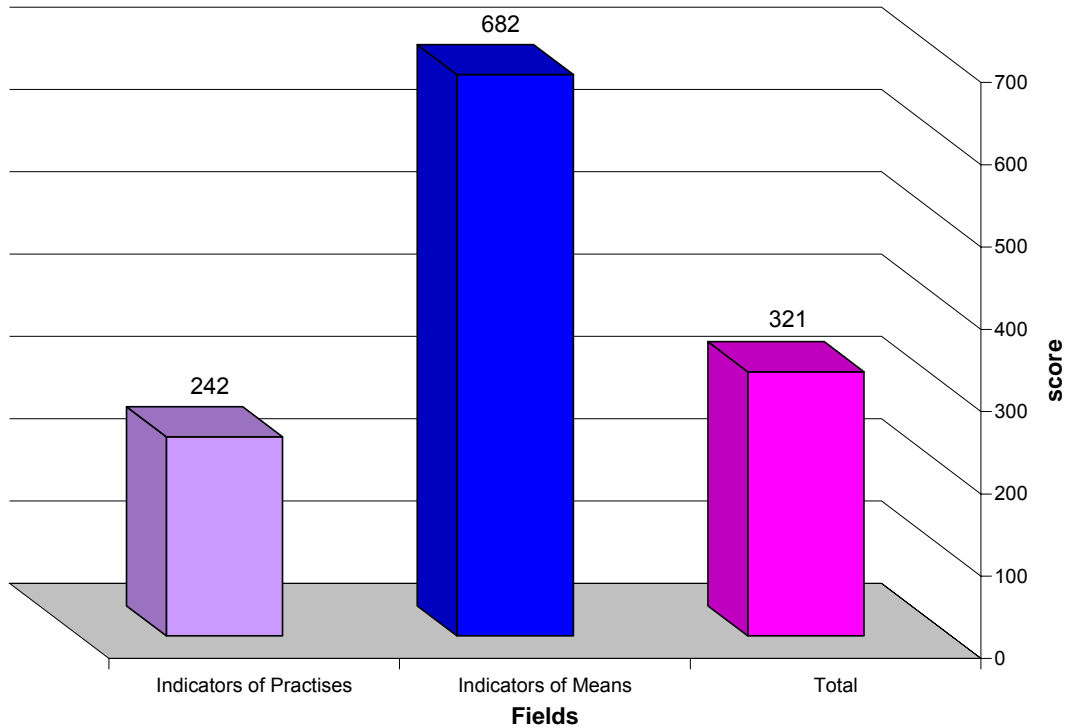
The results according to the first category (i.e. according to sectors) show that the tools sector received a good score (682) compared to the practices sector (242). Table (2) shows numbers and figures of indicators that enter in each sector and their weighted average in the index as well as its average scores. Practices

Table (2) average scores for the index according to the first category (sectors)

| <b>Number</b> | <b>Sectors</b>  | <b>Total number of indicators</b> | <b>Numbers of indicators</b> | <b>Weighted average for the fields in the index</b> | <b>Average score for each field after weighting</b> |
|---------------|---|-----------------------------------|------------------------------|---|---|
| 1             | Indicators showing tools of the effectiveness of the PLC              | 9                                 | 1-8, 10                      | 18%   | 682   |
| 2             | Indicators showing practices that affect the effectiveness of the PLC | 43                                | 9, 12-52                     | 82%   | 242   |

Graph (9) shows that the average for the scores that indicates the tools is twice as much as the general average for the index, while the average for practices is lower than the general average.

**Graph (9) average scores for sectors according to the first category compared to the total score for the index**



### Results of the second category (fields)

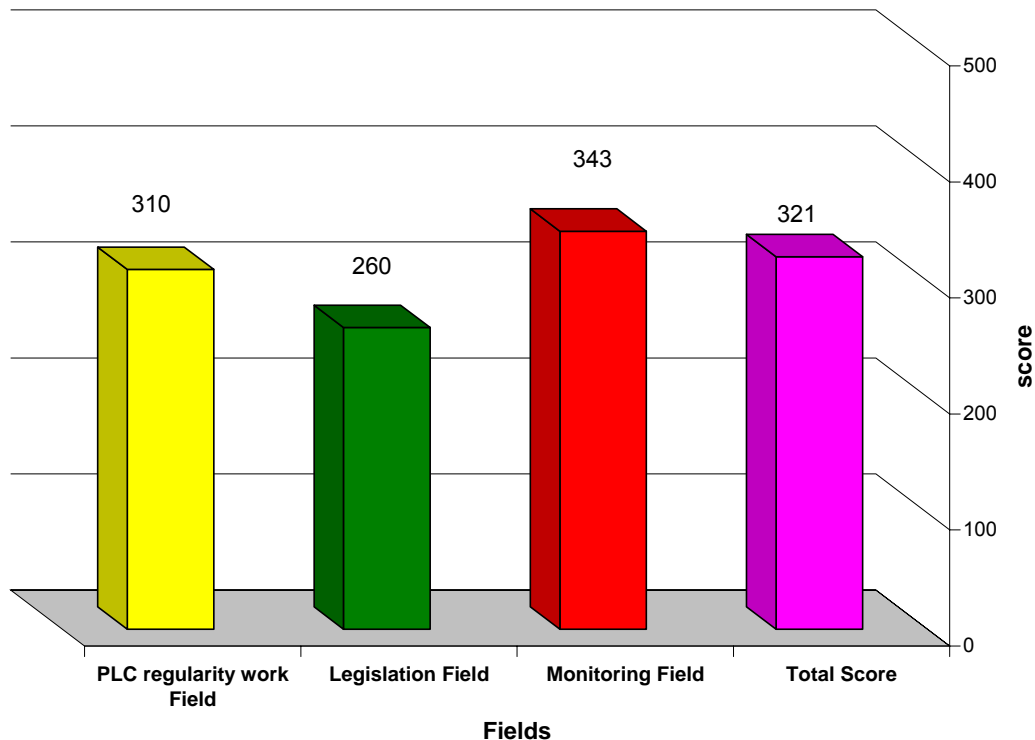
The results of the second category for the indicators, i.e. according to the field, show that there is a significant decrease for the legislative field (650) while the scores for the field of monitoring and the regularity of the work of the PLC is low. Table (3) shows the figures and numbers for the indicators that enters in each field.

**Table (3) the indicators' average scores according to the second category (fields)**

| Number | Fields   | Total number of Indicators | Numbers of indicators      | Weighted average for each field | Average score for each field |
|--------|--|----------------------------|----------------------------|---------------------------------|------------------------------|
| 1      | Field of Monitoring                            | 27                         | 1-11, 23-33, 35-37, 40, 45 | %53.4                           | 343                          |
| 2      | Legislative Field                              | 8                          | 12, 19-22, 34, 39, 42      | %14                             | 260                          |
| 3      | Filed of the regularity of the work of the PLC | 17                         | 13-18, 38, 41, 43, 45-52   | %32.6                           | 310                          |

Graph (10) shows that: as the average scores for the monitoring field exceeds the general average and the average scores for the regularity of the work of the PLC is close to the general average, the average scores for the legislative field in significantly less than the general average for the index.

**Graph (10) average scores for the fields according to the second category in comparison to the total score of the index**



**Results of the Combined categories (sectors and fields)**

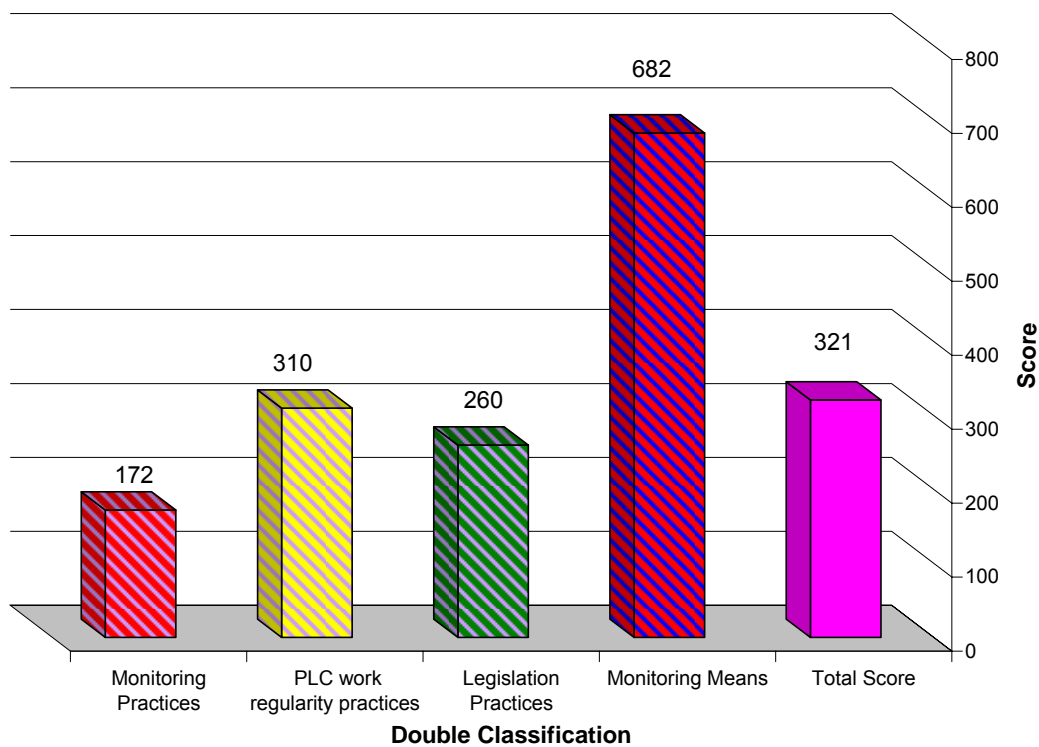
The results, according to the double category for the first and second categories, i.e. according to the sectors and fields, that the monitoring tools, received high scores (682) compared to the score that was given to the monitoring practices (172) and the practices that are related to the regularity of the work of the PLC (310) and the legislations (260). Table (4) shows the numbers and figures for the indicators that enters each double field and its weighted average in the index as well as its average scores. Graph (11) shows the score for each double field in comparison to the total score for the index.

**Table (4) average scores for the index according to the double categorization**

| Number | Double fields     | Figures for the Indicators | Numbers of indicators | Weighted average for each Combined field in the index | Average score for each field in the index |
|--------|-------------------|----------------------------|-----------------------|---|---|
| 1      | <b>Monitoring</b> | 9                          | 10 ·8-1               | %18   | 682                                       |

|   |   |    |                           |       |     |
|---|---|----|---------------------------|-------|-----|
|   | <b>tools</b>  |    |                           |       |     |
| 2 | <b>Legislative practices</b>                              | 8  | 34 22 19 12<br>42 39      | %14   | 260 |
| 3 | <b>Practices of the regularity of the work of the PLC</b> | 17 | 41 38 18-13<br>52-45 43   | %32.6 | 310 |
| 4 | <b>Monitoring practices</b>                               | 18 | 33-23 11 9<br>44 40 37-35 | %35.4 | 172 |

**Graph (11) average scores for the double fields according to the first and second categories in comparison to the total scores for the index**



**Results of the third category (Values)**

The results according to the third category of the indicators, i.e. according to value, show a significant weakness for the right to acquire information and the legislative capacity, whilst the institutional framework received good scores in comparison to other values.

Table (5) shows the figures and numbers of the indicators and the average score for each value in the index.

**Table (5) average scores for the index according to the third category (Values)**

| Number | Values                       | Figures of indicators | Numbers of indicators                  | Weighted average for each value in the index | Average score for each value in the index |
|--------|------------------------------|-----------------------|--|--|---|
| 1      | Questioning                  | 18                    | ،23 ،10 ،8-1<br>،35 ،32 ،30-26<br>40   | 36%  | 373                                       |
| 2      | Right to acquire information | 9                     | ،43 ،21 ،13-12<br>50-49 ،47-45         | 16.5%  | 124                                       |
| 3      | Institutional framework      | 12                    | ،22 ،18-14 ،11<br>،44 ،41 ،39-38<br>48 | 22.2%  | 457                                       |
| 4      | Community participation      | 6                     | ،31 ،25-24 ،9<br>52-51                 | 10.1%  | 251                                       |
| 5      | Legislative capacity         | 3                     | 34 ،20-19                              | 5.6%   | 135                                       |
| 6      | Political interference       | 4                     | 42 ،37-36 ،33                          | 9.6%   | 333                                       |

Graph (12) shows that the average scores for three values exceeded the general average for the index (institutional framework, questioning and the political interference) and that the other three (community participation, legislative capacity and the right to acquire information) are lower than the total score for the index.

**Graph (12) average scores for values according to the third category in comparison with the total score for the index**

