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Norwegian Support to Palestinian Civil Society and the Rule of Law: *A review*



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Contents

Preface	5
Abbreviations and acronyms	6
Executive summary	7
1 Background, objective and mandate of review	9
2 From protracted conflict to protracted peace process	13
3 Norwegian support to the Palestinian Territory	15
Assistance through NORAD	16
Assistance through the Ministry of Foreign Affairs	18
4 Rule of law in the Palestinian Territory	21
Drafting and ratification of laws	23
The civil courts	23
5 Civil society	25
The Palestinian NGO sector	25
Institutional framework and conditions for the Palestinian NGO sector	27
Palestinian media sector	29
Civil Society Organisations relevant to promoting the rule of law	30
6 Other donor initiatives	33
The World Bank	33
Denmark	34
The International Commission of Jurists	35
United States Agency for International Development	35
The European Commission	36
Considerable donor interest	36

7 Needs and options for Norwegian support	39
Considerations for Norwegian donor involvement	39
Long-term but flexible approach	41
Holistic/integrated approach	42
Co-ordination to avoid unnecessary duplication	42
Support to disadvantaged groups	43
Monitoring and managing support	43
 8 Recommendations	 45
1. Building the capacity of judicial organisations and HROs	45
2. Training	47
3. Enhancing own capacity	48
 Appendix 1 Terms of Reference	 49
 Appendix 2 List of contacts	 53
 Appendix 3 References	 57
 Appendix 4 Draft/Proposed Laws in the Palestinian Territory	 59

Preface

Norway plays an important role as chair for the Ad-hoc Liaison Committee (AHLC) that coordinates international aid to the Palestinian Territory, and it is also member of the Sector Working Group for the Rule of Law and the Sector Working Group for the Police. As part of their work to develop a consistent strategy for support to civil society and the rule of law in the Palestinian Territory, the Royal Norwegian Ministry of Foreign Affairs (MFA) commissioned Fafo to assess the application of the rule of law principles in Palestinian institutions and to review the conditions under which the Palestinian civil society is developing. The purpose was to provide recommendations to be used for the strategy for future Norwegian support to this sector.

Fafo mobilized a team of independent professionals consisting of Researcher Lena C. Endresen (Fafo, team leader), Researcher Dr. Arild Schou (Norwegian Institute for Urban and Regional Research), and Lawyer Per Stadig (working for the International Commission of Jurists). This publication presents their findings and recommendations. The team visited the Palestinian Territory in the spring 2000 and consulted representatives of a number of institutions related to the legal situation and to the NGO sector, as well as representatives of a number of other donors.

Fafo hereby extends its warmest thanks on behalf of the team to all those people interviewed for the generous sharing of their insights. We are also grateful for the excellent support provided by the Representative Office of Norway in arranging contacts and scheduling the many meetings that took place during the mission.

We also thank the Royal Norwegian Ministry of Foreign Affairs for a very challenging project and for the outstanding cooperation we enjoyed during its execution. It is our hope that this report provides constructive insights for use not only by the Ministry, but also for others interested in such work, as well as gives a reminder of the responsibilities entailed with support to this sector.

Oslo, November 2000

Jon Hanssen-Bauer

Managing Director

Fafo, Center for International Studies

Abbreviations and acronyms

AMIDEAST	American Mideast Educational and Training Services
CSO	Civil Society Organisation
DANIDA	Danish International Development Agency
DCI	Defence for Children International
HRO	Human Rights Organisation
ICJ	International Commission of Jurists
MFA	Ministry of Foreign Affairs
MONGO	Ministry of NGO Affairs
NGO	Non-Governmental Organisation
NORAD	Norwegian Agency for Development Co-operation
PA	Palestinian Authority
PBC	Palestinian Broadcasting Corporation
PGFTU	Palestinian General Federation of Trade Unions
PNGO	The Palestinian Non-Governmental Organisation Network
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organisation
PRODEPA	Programme for the Promotion of Democracy, Good Governance and Human Rights in the Palestinian Areas (DANIDA)
SWG	Sector Working Group
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNSCO	United Nations Special Co-ordinator in the Occupied Territories
USAID	United States Agency for International Development

Executive summary

The objective of this review is to recommend future strategy directions for Norwegian support to the rule of law principles in the Palestinian Territory, based on an assessment of the current situation. In this situational assessment the team has been asked to focus on both the application of the rule of law principles in Palestinian institutions, and on conditions for the Palestinian non-governmental organisations (NGO) sector. Identification of segments of civil society playing instrumental roles in the promotion of rule of law principles was requested. The team has also been asked to advise Norwegian authorities on possible support to these segments in light of recent initiatives undertaken by other bilateral and multilateral donors.

The Palestinian Authority (PA) inherited a juridical system in a state of virtual collapse in 1994, and the system continues to suffer from severe weakness. There is an unclear line of authority both within the juridical system and between it and the executive authority. The Palestinian legislative power (the Palestinian Legislative Council) has limited rights to legislate within areas under PA control, and limited power over the executive branch. No clear line of authority exists between the military and security courts on the one hand and the civil courts on the other. These blurred lines of authority are reinforced by the absence of unified laws and by the unwillingness of the executive authority to promulgate new laws – particularly the juridical system law. These weaknesses, together with a large backlog of cases, have led to a situation where many people have lost confidence in the Palestinian legal system.

There is also room for technical improvements in this sector. A severe shortage of qualified persons and adequate court buildings exists in addition to a lack of efficient court management and prosecution procedures. However, a major challenge presently is not of a technical nature, but more a lack of expressed commitment on the part of the PA to make improvements.

The conditions for the Palestinian NGO sector are relatively good compared to many other Arab countries. However, there have been tensions between the PA and the NGOs over the PA's right to intervene in the NGO sector. The gazetting of the new *Law of Charitable Associations and Community Organisations* in December 1999 seemed, at first sight, to ease these tensions. However, the draft regulations of the

law and the creation of a Ministry of NGO Affairs has by some NGOs been seen as a setback for the NGO sectors' independence. Thus, as of yet, there is no clear institutional framework for the operations in this sector.

Since the recommendations aim to feed into a future strategy for Norwegian support in the field of rule of law, the team has pointed out some considerations that should serve as guidelines for this support. First, support should be based on a dual-track strategy: a long-term institution-building perspective combined with short-term activities. Second, Norway should apply an integrated approach taking governance aspects into consideration. Third, Norway should emphasise co-ordination with like-minded donors and support to disadvantaged groups. Last, Norway's unique position in the peace process places certain obligations to convey a clear message to the PA that the donors consider rule of law principles to be a precondition for democracy, development and long-term stability.

In the current situation the team will advise the Norwegian authorities to focus on three main areas of support:

The empowerment of judicial organisations and Human Rights Organisations (HROs). Norwegian authorities should consider supporting independent professional judicial organisations, an independent journalist association, and continue its support of the main HROs. Norway should also identify and support new organisations that work closely with the population on a local level to improve the awareness of rule of law and democracy. It is the opinion of the team that an increased adherence to principles of good governance and democracy within the NGO sector itself is instrumental for the promotion of a more organic relationship between the NGOs and the Palestinian grass roots.

Support to various kinds of training activities. Norway should support the training of judges, lawyers and prosecutors. Training should be primarily through their professional organisations if they prove to be independent of the executive powers. If training is given abroad, it should take place in the region – for example, in Morocco, Egypt or Jordan. Moreover, support should be given to improve the skills of the legal staff within the ministries that draft the laws.

Strengthening of Norway's own capacity to implement an effective rule of law support. One way of strengthening Norway's capacity is to strengthen its co-ordination with like-minded donors in rule of law-related initiatives and their actual support to various HROs. It is further suggested that in order to reflect the importance of rule of law, the Norwegian authorities should increase the staff capacities within the Representative Office to deal with human rights and rule of law. The addition of a dedicated program officer or capacity will serve as a clear message of the importance that Norway attaches to the rule of law.

1 Background, objective and mandate of review

In May 2000, the Royal Norwegian Ministry of Foreign Affairs (MFA) commissioned an independent team with the overall objective of making recommendations on a future strategy for Norwegian support to civil society and the rule of law in the Palestinian Territory. As described in the Terms of Reference (ToR), the team was given the following six tasks:

1. To assess the situation of the application of rule of law principles in Palestinian institutions.
2. To assess the institutional framework and conditions in the Palestinian Territory for NGOs in general, with particular focus on Civil Society NGOs.
3. To identify segments of Palestinian Civil Society NGOs which are playing instrumental roles in promoting rule of law principles.
4. To advise the Foreign Ministry and NORAD on possible support for these segments and the utilisation of financial channels.
5. To assess potential support in the light of recent initiatives undertaken by other bilateral and multilateral donors.
6. To assess the relevance of a sector approach with possible joint financing for rule of law projects along with other donors.

The study is assigned to the Palestinian Territory by the ToR. The team has interpreted this as meaning the self-rule areas under the Palestinian Authority (PA). It has not investigated the situation in Jerusalem in any great depth, as the Israeli judicial system used in Jerusalem differs from that of the West Bank and Gaza.¹

¹The Palestinian citizens of Jerusalem are currently under Israeli jurisdiction. Palestinians living in East Jerusalem face specific problems. They risk losing the right to live in Jerusalem if they stay outside the city for seven years as this will result in them losing their ID cards. If they marry somebody from outside Jerusalem, this person may not be given permission to live in the city. The tax to be paid in Jerusalem places a heavy burden on Palestinians living in East Jerusalem even though services are poor. The future legal status of Jerusalem and its residents may change, as the status of Jerusalem is to be negotiated in the final status agreement between the Palestinians and Israel.

The study pertains both to the rule of law and civil society. The rule of law is dependent on an effective, appropriate and independent legal system whose rulings are universally applied. A legal system that regulates society and curbs the arbitrary use of power by executive and security forces does not exist in the Palestinian Territory nowadays.

It is widely recognised that a strong civil society has been a prerequisite for democracy and good governance. Civil society supports democracy in various ways; through training in democratic practices, and as a “watchdog” that can monitor the performance of the state. The *relational* operation of civil society is important to the belief that it contributes to democracy. These relations can enable civil society organisations to function as a kind of mediator both between state and population and population and state. Civil society organisations can contribute to the rule of law in a similar way.

The team considers the issue of civil society to be particularly challenging aspect of ToR. Thus, in the report, extra efforts have been made to identify the mechanisms by which civil society can promote the rule of law in the Palestinian context and which organisations may be capable of playing such a role.

In point 6 above, the team was asked to assess the relevance of a “sector approach”. Such an approach, however, may in practice not be applicable to the rule of law in the Palestinian Territory. Firstly, during the team’s visit, the impression was given that the PA lacks the will to fulfil the priorities laid down in the *Rule of Law Strategic Development Plan* (1996). The second challenge to a sector approach is the PA’s perceived weakness with regard to financial transparency. This lack of confidence means that it is not recommendable to disperse donor funds in the form of block grants.

In its communication with the MFA, the team has learned that the appraisal of six specific initiatives mentioned in the ToR should *not* be included in the team’s present work, as it is envisaged that an appraisal of specific projects will be carried out at a later stage. The ToR is attached as Appendix 1.

The team visited the Palestinian Territory between 25 May and 4 June 2000². Over these eleven days, it consulted representatives of the PA and Palestinian legal institutions, legislators (PLC), judges and lawyers, the Bar Association and the NGO sector, as well as representatives of a number of other donor countries and multilateral agencies.

The writing of the report and its recommendations has been a joint effort. However, individual team members have had special responsibility for the drafting of some sections: Lena C. Endresen for sections 2, 3 and 6, Arild Schou for section 7 and Per Stadig for section 4.

In the pages that follow, the tasks referred to above will be examined in depth. Firstly, in section 2, we analyse the specific context in which Norwegian policy is being implemented – namely the protracted peace process and a state in the making. In section 3, we account for the overall principles of Norwegian development aid and the importance attached to support of the promotion of the rule of law. In this section, we also provide an overview of existing Norwegian support to civil society and the rule of law sector in the Palestinian Territory. In section 4, we address the nature and extent of the application of the rule of law principles in Palestinian institutions, and in section 5 we assess the institutional framework for NGOs and identify NGO segments playing instrumental roles in promoting the rule of law principles. In section 6 we provide a synopsis of other donor initiatives related to the rule of law and in section 7 we review the options for Norwegian support. The latter three sections form the background for the team's recommendations to the MFA and NORAD in section 8.

² Though the visit was highly informative and instructive, the team realizes that eleven days is not sufficient to gain a comprehensive picture of events in the area.

2 From protracted conflict to protracted peace process

Balancing the sometimes contradictory requirements of democracy and the rule of law on the one hand, and the challenges of state building on the other, has proven to present a dilemma for many new states. This dilemma is particularly relevant to the PA's state-building efforts, which have been further complicated by the protracted peace process. This process has been characterised by an extended interim period in which negotiations have been conducted between Israel and the PLO on both interim agreements and a permanent status agreement. As a result, the interim period has been one of uncertainty and slow progress. This uncertainty as to the outcome of the process has encouraged an environment in which political opposition and criticism of the regime is seen as threatening. Thus the belief has been nurtured that the success of the peace process requires political stability and national unity achievable only through the creation of a strong central authority. It is under these conditions that Palestinian institution building has been conducted, and it is this unique environment which has impinged upon efforts to cultivate the rule of law. Israeli demands for security and stability in the course of this process have been a prerequisite of successive Israeli governments for progress in the peace process. The donor community, as sponsors of the peace process, has supported these demands.

These conditions place the donor community, particularly the principal sponsors of the peace process, in a precarious position. On the one hand, donors wish to encourage the development of sustainable and effective public institutions that will serve the Palestinian people well. This objective, which is consistent with general development objectives, needs to be balanced with the needs of the peace process. As a result, the donor community projects two parallel messages. Given the primacy of the peace process and stability, the PA may well gain the impression that stability is more important than institutional development. This impression, however, undermines efforts to encourage respect for the rule of law. The donor community has a responsibility to place greater emphasis on the long-term importance of institution building and the rule of law. This entails encouraging key PA representatives to think beyond the interim period and address the nature of the "state in the making".

In this regard, Norway and other donors should highlight the fact that current aid levels are largely a function of a "political peace process" agenda and not a purely

developmental agenda, and as such aid levels may be reduced in a post-permanent status agreement situation. Hence the PA and allies concerned within the PA should be encouraged to maximise current support and opportunities. Norwegian officials should endeavour to seek out and engage with such partners – ideally located in strategic portions of influence – and support their efforts.

3 Norwegian support to the Palestinian Territory

In NORAD's *Strategy towards the year 2005* (NORAD, 1999), combating poverty and offering support for human rights are identified as key targets for Norwegian aid to developing countries. The overall principles for this aid are *recipient responsibility, partnership, sustainability* and a *long-term perspective*. NORAD's work is based on the assumption that a state, which functions well, is a prerequisite for social and economic development. However, development aid is channelled to the state, civil society and the private sector. The overall aim of this support is to prepare the ground for a *positive synergy* between the state, civil society and the private sector through equal partnership. The promotion of the rule of law is emphasised as an important component in the strategy for strengthening human rights (Royal Norwegian Ministry of Foreign Affairs, 1999).

These general principles and priorities do, however, need to be balanced with Norway's historical role in and deep commitment to the peace process between Israel and the PLO/PA. As a result, the Palestinian case differs from traditional development co-operation. Norwegian aid is regarded as important support for the peace process and is part of a broader political dialogue between Norway and the PA. In this dialogue, Norway has stressed the importance of strengthening democracy and the rule of law. This was recently demonstrated, for example, in the *Agreed Minutes from the Annual Review Meeting on Development Co-operation between the PA and Norway, January 2000*, which clearly states that good governance is a foundation for the Norwegian-Palestinian development co-operation. The decision to jointly finance the Police Academy is a step towards strengthening the rule of law in the Palestinian Territory³. Moreover, in early 2000, Norway commissioned a team to investigate and formulate a report on good governance in the Palestinian Territory. The report, *NORAD's Good Governance and Anti-Corruption Mission to the Palestinian Territory, 18-25 February 2000*, has formed one of the reference documents for the work of the team. This document identifies three areas of Norwegian intervention in the field of good governance: the rule of law, public administration and the management of

³ Norway, in co-operation with Denmark, Sweden, the Netherlands and Germany, will fund the establishment of a Palestinian Police Academy and has signed a memorandum of understanding with the PA on this issue.

public finance. The commissioning of the good governance report and this report reflects Norway's commitment to addressing the issues of governance and democracy.

Norwegian contributions to the Palestinians from 1993 to 1999 amounted in total to approximately NOK 1.8 billion, including funds to UNRWA and aid through Norwegian NGOs. In the Annual Review Meeting which took place between the PA and Norway in January 2000, the Norwegian delegation stated that the level of support will be maintained and that Norway will provide approximately NOK 1.3 billion for the 5-year period 1999–2003. The contribution to UNRWA (approximately NOK 100 million per year) will be additional. Norwegian development co-operation with the PA is focused on physical planning, statistics, water, energy, culture, education and democracy and human rights (NORAD, 2000a). Norwegian support is dispersed through various financial channels, broken down approximately as follows: the bilateral programme between Norway and the PA (45 %), aid through the Ministry of Foreign Affairs (23 %), Support to civil society (16 %), and Industrial and commercial schemes (15 %)⁴.

Norwegian support relevant to the rule of law in the Palestinian Territory refers mainly to the aid given through two channels: the MFA and the NORAD civil society unit. In the following section, the projects supported via these channels will be described. These projects reflect the areas that the team was asked to assess, and the following information was supplied to the team by the MFA.

Assistance through NORAD

Through its civil society unit, NORAD allocates approximately NOK 35 million annually through Norwegian NGOs to Palestinian NGO partners⁵. As argued, these funds relate to the rule of law. The funds are granted as 1) “single-project agreements”; 2) “framework agreements”; and 3) “programme-based agreements”. In addition, approximately NOK 1 million annually is allocated to “culture” projects through the NORAD funds.

1 “Single-project agreements”

NOK 3,562,000 was granted as “single-project agreements” to eleven Norwegian-Palestinian project partners. The partners, the project names and the grants are listed in table 3.1.

⁴ The relative distribution refers to 1999 (NORAD, 2000a).

⁵ In 1999, NOK 34,851,000 was granted through this mechanism.

Table 3.1 “Single-project agreements” between Norwegian and Palestinian NGOs in 1999 (figures in NOK)

Norwegian partner	Palestinian partner	Project name	Grant
Workers’ Educational Association of Norway	Fateh Youth	Democratisation project	272,000
Norwegian Union of Social Educators and Social Workers	Bethlehem Arab Society for Rehabilitation	Children’s Cultural Centre in Bethlehem	304,000
Norwegian Youth Council	Palestinian Youth Union for Co-operation for Peace	Training of youth leaders	160,000
Teachers’ Union, Norway	Palestinian Teacher College for Women	Curriculum development	216,000
Teachers’ Union, Norway	Ministry of Education	In-Service training programme	244,000
Norwegian Guide and Scout Association	Palestinian Scout Association	Basic and advanced leader training	254,000
Norwegian Ergo-therapist Association	Bethlehem University	Ergo-therapist education	424,000
Norwegian support committee for the Abraham Centre	Abraham Centre in Gaza	Abraham Centre in Gaza	1,166,000
Norwegian Medical Society for the Middle East	Palestinian Red Crescent Society	Professional nursing services	439,000
Norwegian Medical Society for the Middle East	Local physiotherapists	Union work in physiotherapy	53,000
Norwegian Medical Society for the Middle East	Union of Medical Relief Committees	Physiotherapy for children	30,000

2 “Framework agreements”

NOK 30,611,000 was granted as “framework agreements” to seven Norwegian organisations that co-operate with their Palestinian counterparts. The Norwegian agreement partners and the grants are listed in table 3.2.

Table 3.2 “Framework agreements” with Norwegian organisations in 1999 (figures in NOK)

Norwegian organisation	Grant
Norwegian Federation of Trade Unions	1,578,000
FOKUS – Forum for Women and Development	507,000
Royal Society for Development	6,442,000
Atlas Alliance	6,841,000
Norwegian People’s Aid	10,564,000
Norwegian Union of Teachers	439,000
Norwegian Red Cross	24,240,000

3 “Programme-based agreement”

NOK 678,000 was granted as a “programme-based agreement” to one Norwegian organisation (Norwegian Church Aid) in 1999.

As can be seen from these projects supported through the civil society unit, they all serve to strengthen civil society organisations. Several of them relate directly to democratisation in broader terms, while health is another focus.

Assistance through the Ministry of Foreign Affairs

Two MFA units allocate funds to the Palestinian Territory: the Section for Human Rights and Humanitarian Assistance and the Middle East Desk. The Middle East Desk allocates grants for research co-operation programmes and projects between Norwegian and Palestinian research institutes that to some extent can be said to strengthen Palestinian civil society organisations.

The Section for Human Rights and Humanitarian Assistance granted NOK 32,228,677 to Human Rights Organisations (HROs) in the Palestinian Territory in 1999. The HROs that received support from the Section for Human Rights and Humanitarian Assistance budget in 1999 are listed in table 3.3.

Table 3.3 Norwegian support to Palestinian HROs in 1999 (figures in NOK)

Palestinian Organisation	Grant
Israeli Information Centre for Human Rights in Occupied Territories	480,000
Jerusalem Centre for Social and Economic Rights	310,000
LAW: Palestinian Society for the Protection of Human Rights and the Environment: LEGISCO – Support for the Human Rights Committee of the PLC	525,000
LAW: Palestinian Society for the Protection of Human Rights and the Environment: ESCRE – Economic, social and cultural rights	525,000
MIFTAH: Palestinian Initiative for the Promotion of Global Dialogue and Democracy	750,000
Norwegian Red Cross: Programme for visiting Palestinian prisoners	3,708,000
Palestinian Centre for Human Rights	310,000
Al Haq	80,000
HaMoked Centre for the Defence of the Individual	560,000

The Section for Human Rights and Humanitarian Assistance also supports HROs that are not NGOs. Those that received support under the Section's budget in 1999 were as follows (figures in NOK):

Palestinian Organisation	Grant
Palestinian Independent Commission for Citizens' Rights (PICCR)	750,000
UN High Commissioner for Human Rights (UNHCHR)	500,000

In addition, NOK 21,230,309 was granted to Temporary International Presence in Hebron (TIPH) in 1999 from the Section for Human Rights and Humanitarian Assistance budget. The rest of the 1999 grants from the Section were not related to a broad understanding of the rule of law sector.

The Norwegian government wishes to use the grants from the Section for Human Rights and Humanitarian Assistance to support organisations that promote human rights. The Section emphasises the support of *local* organisations. There does not seem to be any specific criteria for the selection of recipients of support beyond this. HROs are usually given general support, i.e. support used to ensure the continued activities of the organisation in question. This support can be granted only for one year at a time, and applications for support are generally submitted to the MFA in Oslo through the Representative Office of Norway in Ramallah or the Norwegian Embassy in Tel Aviv.

Support aimed at strengthening Palestinian civil society constitutes a significant part of Norwegian assistance to the Palestinians. Financial channels for this support being located in both NORAD and the MFA may hinder co-ordination and the design of a comprehensive strategy. As will be argued in the following sections of this report, Norway should continue to support civil society organisations – an enhanced civil society helps to provide an environment conducive to improvement in the rule of law. The MFA and NORAD should, however, consider whether a comprehensive strategy would require only one financial channel or whether the existence of more than one financial channel helps produce a desired combination of flexibility and long term perspectives. This report argues that decentralization of decision-making authority, with an expansion of the financial framework at the Representative Office's disposal, could make administration more efficient for both donor and recipient organisations. The option of granting support for longer periods than (the current) one-year period should be established also. This would enhance the longer-term impact of such support.

4 Rule of law in the Palestinian Territory

The legal situation in the Palestinian Territory is complicated. The various occupying powers have influenced the legal system and put their own legal systems in place in the Palestinian areas over different periods. During the Ottoman Empire, the area was run according to Ottoman law. During the British rule, British mandate legislation was in force on the West Bank, while Egypt put its legislation in place in Gaza. Since the Israeli occupation in 1967, more than 1,300 military decrees were issued in the two areas, covering most aspects of life. The legal standing of these decrees in the areas today under PA control is currently not clear. When the PA was established in 1994, its members brought with them their revolutionary Penal Code of 1979. There are also religious courts, Christian and Islamic, that deal with family law.

The issue of the two different legal systems, the Jordanian on the West Bank and the Egyptian in Gaza, is referred to as a key obstacle, and most reports on the legal situation in the Palestinian Territory single out the development of unified legislation as a major challenge (Palestinian Authority, Ministry of Justice, 1996).

After the signing of the *Declaration of Principles* and the *Interim Agreement*, parts of the two areas have been handed over to the PA either wholly or in part. At present, around 30 % of Gaza and 55 % of the West Bank is still under the control of the Israeli authorities. Israel has retained total control over all external borders, airspace and territorial waters.

The areas handed over to the PA did not have a legal system functioning in proper courthouses. Courthouses are in a bad condition, and the courts are unable to handle the number of cases arising. Judges are working under extremely difficult conditions with virtually no support from administrative staff or technical equipment. During the Israeli occupation, both lawyers and judges have been on strike, which has had a further adverse effect on the judiciary and the legal profession.

Following the Palestinian general elections in January 1996, the Palestinian Legislative Council (PLC) was established. Until the PLC was established, a temporary law, Law No. 4 of 1995, regulated the mechanism for legislation in which legislative powers were given to the President and the Cabinet. The PLC has limited rights to legislate within the areas controlled by the PA. The rights and obligations of the PLC should be regulated in a basic law, which has been drafted and accepted by the PLC and is ready to be ratified by President Arafat. This has not yet happened, and this has weakened the position of the PLC and complicated the building of a democratic structure.

Three different criminal court systems are currently functioning in PA areas: the civil court system, the military court system and the security court system.

The civil court system tries civilians, while the military courts try policemen and security personnel, as well as civilians who have been accused of committing crimes against the military. The security court system tries people who have been accused of committing a crime where the security of the “state” is in danger. The establishment of the controversial Palestinian High Court for State Security in response to a wave of Islamic terrorist attacks in 1995 limits the scope of the civil system. This court was created to deal with cases related to “internal and external security”. Whilst created in response to terrorist acts against Israeli targets, however, this court have come to be used by the PA for trying all cases involving persons that threaten “national interests”, including critical journalists and editors and political opponents. Hearings, which are brief, tend to be held in camera and at night (Amnesty International, 1998), without the right of appeal. The formation of this court received public support from the US Administration⁶, while it has been severely criticised by the human rights community.

Each court system has its own Attorney General who is responsible for it.⁷ There is no clear boundary between the three systems. Civilians can be tried in military courts if there is a military interest in the case. The security court system itself decides what cases are of interest to it. Examples of cases that could be tried before the security court are tax fraud cases, murder cases, sexual crimes and cases related to consumer rights. The security courts were earlier set up on an *ad hoc* basis but have now been made permanent, with their own courthouses and staff.

The security court system has weakened the position of the civil courts as it is not possible for anyone to know whether a case would be tried before a civil court or a security court. One excuse for the existence of the security courts is that civil courts are not effective enough and are not ready to act in time.

One disturbing development in a Palestinian legal context has been the introduction of the death penalty. The first death sentence was issued on March 1995, and since then 24 other Palestinians have been sentenced to death. Eight of these sentences were passed by state security courts, four by civil courts and 13 by military courts. The first executions took place in late 1998, and three people have been executed so far.

⁶On a visit to Jericho in March 1995, American Vice President Al Gore referred to its creation as “an important step forward in helping to build confidence in the peace process.” Joe Stork, Prepared Statement by Joe Stork, *Advocacy Director, Human Rights Watch Middle East, before the House International Relations Committee, sub-committee on International Relations and Human Rights on Human Rights and the Palestinian Authority*. (Washington: US House of Representatives, 23 July 1996).

⁷ The present Attorney General for the security courts was previously the Attorney General for the civil court system but had to leave this position because of severe criticism of his way of handling his position as Attorney General.

Drafting and ratification of laws

The system of drafting laws under the PLC means that initiatives for new legislation could come either from the Council or from the executive powers. Draft laws have to pass three readings before the PLC and should then be ratified by the President. According to the basic law, which has not yet been ratified, the President has a limited time in which to ratify the law. If it is *not* ratified within that period, it becomes valid when it is published in the Legal Gazette.

Even if the President has already ratified some important laws, others are still in the process of being ratified (see Appendix 4). The fact that several draft laws have been stopped at the President's office has put a severe constraint on legal development. The President has not yet ratified the draft law in which the separation of powers between the executive power and the judiciary is laid down, which is a serious constraint to the development of the rule of law sector.

The President has recently issued a presidential decree whereby he has established a High Judicial Council of eleven members. The role of this Council is not clear, but according to one of its newly appointed members, the main objective of the Council will be to appoint judges. The appointments made by the Council have to be ratified by the President. The High Judicial Council member whom the team met said that he would fight for new laws that would strengthen the role of this Council.

The civil courts

The courts are in a difficult situation today. There are fewer than seventy judges on the West Bank and in Gaza, and this figure has remained unchanged for a number of years. There are enormous backlogs of cases (although the estimates provided to the team vary from 50,000 to 200,000 cases). The court in Bethlehem, which was visited by the team, has about 5,000 cases pending. Some of these are more than three or four years old. The court has three judges and a very small administrative staff to handle all the cases.

Judgements by civil courts are not always respected by the executive powers. People arrested are not always released, even if there is an order from a court that they should be set free. Prisoners are kept for security reasons without a warrant for their arrest or any legal decision by a court. The population has lost confidence in the courts as they cannot deliver court decisions within a reasonable time, and decisions are quite often not implemented by the executive powers.

The salaries offered to judges are not comparable with what practising lawyers could earn, which makes it difficult to find lawyers interested in becoming judges.

There is also a serious risk of corruption when judges are not properly paid and given a certain status in society. A judge earns from USD 900 to 1,500 per month, which is much less than a lawyer would earn and only about 10 % of the salary of an Israeli judge.

Judges the team met could not tell who was responsible for their activities, whether it was the Ministry of Justice, the chief justice or any other body.

There is no organisation of judges to speak on their behalf. The training of judges has not been a priority, and judges do not seem to be very eager to take part in legal training, although there seems to be an interest in administrative training so that they become more effective.

The weak situation of the court system has created a parallel system where people tend to use other channels to resolve their conflicts. Either they use the old clan system, where chiefs of villages or clans resolve disputes, or through high-ranking officers of the security forces who can use their power to enforce their decisions. Contacts with influential people have become an important instrument in the resolution of conflicts.

To summarise, the most serious challenges to the rule of law in the Palestinian Territory are the lack of interest on the part of the executive power to improve the rule of law, the existence of the security courts, and the expanding operation of this mechanism. A more independent judicial system – planned for in the draft basic law and also prepared for in the law on the judiciary, both of which are still to be ratified – would be a cornerstone in building a democratic society.

5 Civil society

Civil society has come to be both an analytical term and a development slogan. There are several definitions of what the concept describes and entails. Cohen & Arato (1992) define civil society as an arena that is separate from both state and family and at the same time has a relationship to the state through politics or civil society organisations. To define it in brief, civil society is a sphere where free association and the expression of opinions are practised relatively independently of state interference. NGOs⁸ have been regarded as instrumental in this sphere. Viewed as efficient, cost-effective and conducive to building and maintaining democracies, NGOs have become favoured recipients of foreign aid over the last few decades, with subsequent access to growing resources and influence.

In the case of the Palestinian Territory, using the term civil society maybe considered to be “conceptual stretching”, as civil society is considered to be independent of family and government structures. In the following section, we nevertheless regard the NGO sector as the Palestinian civil society, and NGOs as the agents from which a civil society can develop. There are several terms used to describe NGOs. CSOs – civil society organisations – is a term preferred by some to distinguish between non-governmental organisations and those that explicitly work for civil society and democracy. HROs is a term used for human rights organisations.

The Palestinian NGO sector

The Palestinian NGO sector could have as many as 1,200 organisations.⁹ The Palestinian Non-Governmental Organisation Network (PNGO) estimates 1,000 NGOs, excluding unions, co-operatives and clubs.¹⁰ This figure is difficult to estimate for several reasons. The Palestinian NGOs employ anything from a few workers to 300, the average staff being 20, according to a 1996 study which estimates that the NGO

⁸ There is no agreed definition of NGOs; some include political parties, non-state universities and hospitals, co-operatives and non-profit-making organisations. Others have a narrower interpretation. The World Bank classifies an NGO as “any group that is independent from the government, and that has humanitarian and co-operative rather than commercial objectives” (World Bank, 1996).

⁹ This number appears to be accepted in the Palestinian Territory as a valid estimate. It corresponds to the World Bank’s estimate and that of Catholic Relief Services.

¹⁰ The PNGO estimate is based on a division of approximately 500 charitable organisations, 150 professional organisations, 290 youth clubs and a number of unions.

sector employs a total of some 20,000–30,000 people (Sullivan, 1996). In the same year, the World Bank estimated that in spite of the large number of NGOs, 30–40 of them receive up to 70–80 % of total NGO funding (World Bank, 1996).

The Palestinian NGO sector is diversified when it comes to political connections, history, objectives and management (Endresen, 1997). Palestinian NGOs were formed mainly as part of the struggle for national independence, in defiance of the Israeli occupation government. Many NGOs have developed from the top down, possibly lacking a community support base. Many NGOs seem to depend heavily on their individual leaders and are often referred to by the names of their Directors.

There are two major NGO networks or associations in the Palestinian Territory.

- The General Union of Charitable Associations in Palestine (approximately 500 members registered, of which 250 are operating)
- The Palestinian Non-Governmental Organisation Network (PNGO) (77 members, established 1993)

The Charitable Union is the oldest union of NGOs and consists of organisations of non-political orientation that primarily provide welfare services. The PNGO was established in the wake of the *Declaration of Principles*, to work for the interests of the NGO sector under the Palestinian authorities that were about to be established. It is a well-run body that has been successful in lobbying the PA. The PNGO has been instrumental in the controversies and conflicts involved in the drafting and later ratification of the “NGO law” (see the following section).

In 1997, two additional networks were established:

- The Board Union of Palestinian NGOs (BPUNGO) (claims 210 members)
- The General Palestinian Union of NGOs (GPUNGO) (claims 68 members)

These two unions were both established in the wake of the establishment of the *World Bank Trust Fund for NGOs*. The trust fund planned to channel its allocations through bodies that co-ordinated NGOs. These two unions are considered to be controlled by the PA.

Initially, after the establishment of the PA, the donor community placed emphasis on support for the building up of the PA, rather than supporting NGOs. It seems that this trend has reversed somewhat and that most donors appreciate the importance of support to civil society. There further seems to have been a switch in the composition of foreign funding to the non-governmental sector away from the supply of services and towards human rights and advocacy activities. Thus HROs seem to have managed to retain their relative share of funding.

A particular feature of Palestinian NGOs is their dependency on foreign funding. Because of this dependency, the NGOs have few incentives for linking up with the

grass roots. Most Palestinian NGOs today are more accountable to (foreign) donors and (Palestinian) political factions than to a popular constituency. The NGO employees receive their salaries from foreign governments and agencies, and the salary level in the NGO sector is high.

The NGO sector is an arena for political factionalism, and many of the NGOs are in fact controlled by the factions. This, however, does not make the NGOs political parties, which can be viewed as a worrying trait. Those organisations that normally serve as mechanisms of accountability between the population and the state, the political mass parties, remain dormant. A debate within the donor community and among the Palestinians themselves, about the working relationship between the NGOs and the political parties in the Palestinian Territory, is long overdue.

Institutional framework and conditions for the Palestinian NGO sector

Immediately after the establishment of the PA, the government started to draft legislation governing the activities of the NGOs. When the first draft NGO law – *Draft Law for Charitable Societies, Social Agencies and Private Institutions* – was presented to the public in 1995, it was heavily criticised by the NGOs and the donor community for restricting the activities of the NGOs. However, thanks to extensive lobbying by the NGO sector, the PNGO in particular, directed at members of the Palestinian Legislative Council, the donor community and the executive branch of the PA, changes were made to the draft that were more supportive of NGO operations. One of the controversies that arose during discussions between the NGO sector and the PA was which ministry was going to be given the responsibility for registration of the NGOs. The NGO sector itself expressed a preference for the Ministry of Justice, and the PA for the Ministry of the Interior. The NGOs expressed scepticism against the Ministry of the Interior since it is directly connected to President Arafat and his security forces. However, the NGO sector was willing to back down on this issue as long as the role of the Ministry of the Interior was restricted to that of registering and not licensing NGOs. After intensive discussions, this law – *the Law of Charitable Associations and Community Organisations* – passed its third reading in May 1999 and was finally published in the Gazette in February 2000. This was considered a victory for the NGO sector since this law granted the sector more independence from the executive branch than NGO laws in many other Arab countries.

Indicative of the PA's centrist approach and ambivalence toward the NGOs was the creation of a Ministry of NGO Affairs (MONGO) in the autumn of 1999, with

Hasan Asfour as its minister. It employs at present approximately 35 people. Its mandate is to facilitate co-ordination and co-operation among PA ministries and among the NGOs themselves. The establishment of the MONGO can be seen as a setback for the Palestinian NGO sector and its ability to strengthen a civil society.¹¹ Neither the law nor the ministry, however, provide a clear institutional framework for the NGO sector.

- Firstly, since the Ministry of NGO Affairs was established *after* the third reading of the NGO law, a new amendment to the NGO law is needed to reflect on this new state of affairs.
- Secondly, the proceedings of the NGO law have not yet been published in the government Gazette, and it is feared that this state of affairs will allow for far more intervention from the executive authorities than is allowed for by the law itself. Thus the PNGO network has prepared a draft in addition to the draft proceedings prepared by the Ministry of the Interior and the Ministry of Justice.
- Thirdly, there have been examples of PA intervention in the procedures for NGO registration under the new law. In March 2000, the MONGO invited all NGOs to register within nine months. Even over the two first months of this period there have been examples whereby the PA has demanded certification from the Security Forces before registering an NGO.

Since it was created, the PA has been attempting to curb activities in the NGO community in order to centralise control and authority. The tensions between the NGOs and the PA are perhaps most prevalent in the rule of law sector and in the relationship between the HROs and the PA. While the HRO community gained legitimacy in the eyes of the Palestinian people and exiled PLO leadership for their monitoring of Israel human rights violations during the Israeli occupation, the PA has not been keen to see the same vigilant monitoring within the Palestinian Territory.

Palestinian professional legal organisations have also been subjected to control and repressive measures. The conflict between the PA and these organisations is manifesting itself in the attempts to form new organisations such as an independent organisation of judges, as well as in established associations such as the Palestinian Bar Association and the Palestinian Journalist Association. It is the opinion of the team that neither of the latter two organisations is presently independent and dem-

¹¹ Some observers claim that the formation of the MONGO was one product of the UNSCO Report *Rule of Law Development in the West Bank and Gaza Strip: Survey and the State of the Development Effort*, published in May 1999 (*Fighting over Funding?* Palestine Report Vol. 6, No. 41, April 2000).

ocratic. Moreover, there are several initiatives for establishing new, more independent associations. Thus, for the time being the potential of these associations for promoting the rule of law is far from being realised.

Palestinian media sector

Prior to the creation of the PA, a quite vibrant Palestinian media sector, including daily papers and weekly and monthly magazines, was tolerated by the Israeli military administration. Many of these publications were printed and edited in Jerusalem under a relatively liberal Israeli legislation. The arrival of the PA in Gaza and Jericho in 1994 permitted the addition of several new papers and journals, including Islamic papers, which were previously not tolerated by Israel.

The leading and most popular daily newspaper is the Jerusalem-based *Al Quds*, with an estimated daily circulation of 28,000 to 32,000 copies. Post-PA arrivals include *Al-Hayatt al-Jediddah* (The New Life), *Al-Ayyam* (The Days), and *Al-Bilad* (The Homeland). These are all considered PA papers, and it is rumoured that they receive financial backing from the PA. There are also numerous non-daily papers and local newspapers in the Palestinian Territory, including several Islamic papers. The readership of the Islamic press is limited to Islamic constituencies and seems not to be perceived as a threat by the PA.

The Palestinian Broadcasting Corporation (PBC) runs the official radio station (Voice of Palestine) and a Palestinian TV service. There are approximately 30 private TV stations and 15 private radio stations in the West Bank. These stations are by and large self-funding, getting their income from advertisements. All give a lot of airtime to entertainment programmes.

The PA has used a mixed strategy in its endeavours to restrict the freedom of the press. It has introduced restrictive legislation¹², harassed the opposition press and independent TV stations and obstructed the work of individual journalists. In May 2000, five radio and TV stations were shut down by the PA, and (at least) three journalists were arrested.

The PA does not censor media material prior to publication, and it does not have a list of forbidden topics that are “no-go areas” for Palestinian journalists. Instead, journalists have to work out for themselves where these areas are. The team learned during the field visit that journalists have defined the areas not to be touched upon

¹² The Press Law was issued in June 1995. This law empowers the Ministry of the Interior to regulate and monitor the publication of news and information. For a review of this law, please see Palestinian Centre for Human Rights: *Critique of the Press Law 1995 Issued by the Palestinian Authority*. Series Study 1 (Gaza: Centre for Human Rights, 1995)

in media reporting as corruption, human rights, the rule of law and the President, but that they are also afraid to write on other social or economic issues. This widespread self-censorship is a mechanism through which the PA has effectively “tamed” the media and turned them into PA mouthpieces.

The Palestinian Journalist Association is not independent of the PA, but there is a current initiative to form a new, independent organisation. This initiative is taking place on the West Bank, but the aim is also to establish it in Gaza as well if it is successful.

The bleak picture of the local media is somewhat brighter if one considers the alternatives available to Palestinians. The Israeli media, radio in particular, provides a popular and independent voice for many Palestinians. A Jerusalem Media and Communication Centre poll shows that Palestinians rely more on the Israeli radio and TV service than on the PBC broadcasts¹³. The satellite TV channel *Al-Jesira* (The Island), broadcasting from Qatar and considered to be the “Arabic BBC”, is very popular all over the Arab world, and the Palestinian Territory is no exception.

Civil Society Organisations relevant to promoting the rule of law

When making an overall assessment of the role of the Palestinian civil society organisations in promoting the rule of law, it is the opinion of the team that it is the HROs, professional organisations and NGO associations which play the most significant roles. Although many service-providing NGOs have a relatively broad agenda which also includes the promotion of democracy, participation of the people and human rights, we cannot see that their work has any direct impact on the rule of law situation. The former may have an impact for a number of reasons. The HROs can have an impact through lobbying, advice, awareness campaigns and watchdog activities, the professional unions by building an independent press and judiciary. The NGO associations (the PNGO and the General Union of Charitable Associations in Palestine) have played an instrumental role in lobbying for minimal interference in the NGO sector from the PA.

The Palestinian trade unions have not been studied separately in this review. However, it is the opinion of the team that workers’ rights are important components of civil rights, and that unions can be valuable players in strengthening the rule of law. The Palestinian General Federation of Trade Unions (PGFTU), although not

¹³ 22 % of all respondents chose Voice of Israel (in Arabic) from a list of six choices, while 17 % opted for Voice of Palestine. (Jerusalem Media and Communications Centre, August 1998).

operating independently from the PA at the moment, is developing in the direction of independence and therefore has the potential to become an organisation which promotes the rule of law and democracy. This direction is not least an effect of the extensive and vital support the PGFTU receives through the NORAD civil society unit "Framework Agreement" grant for co-operation between the Norwegian LO and its Palestinian counterpart (Endresen and Grimsrud, 2000).

As regards independent media, these are important players when it comes to promoting the rule of law and democratisation, and the Palestinian media is currently not independent. The availability of foreign media channels does, however, offer an important and relatively accessible means of compensation for this situation. Norway has not included local media support in its assistance to the Palestinians, while DANIDA is attempting to include such support (see the section on Denmark's support). It is the opinion of the team that Norway should be open to giving local media support, especially in the form of support to an independent association of journalists, if such were to be established, but that general media support besides this at the moment would have little impact on the rule of law.

The team will underscore that support to civil society organisations is one of several donor activities that may strengthen rule of law in the Palestinian Territory. In table 7.1 (Section 7) all the most relevant activities are listed. The team believes that a combination of these activities is the best recipe for promoting the rule of law. This means that the donor community should provide a balanced support to infrastructure, human capital and civil society organisations.

As for the significance of donor support to civil society organisations, it should be noted that such support most effectively promotes rule of law in a democratic environment. Moreover, support is also most effective when there is a vibrant mass-based civil society and a co-operative relationship between state and civil society. The Palestinian Territory falls short from such a description. The PA only partly adheres to principles of democracy and good governance, many civil society organisations are in fact elite organisations and there is an open tension between the NGOs and the PA. This is not to say that donor support to the civil society organisations under the present circumstances is not recommendable. However, such support should be seen and reviewed in the light of the conduciveness of the socio-political environment in the Palestinian Territory and in the light of the other activities presented in table 7.1 and their assumed effect upon the rule of law.

6 Other donor initiatives

Norway attaches great importance to co-ordination with other donor countries and multilateral organisations (NORAD, 1999). This co-ordination is in the interests of both the recipient countries and the donors. Given that at the present time, some 24 donors and thirteen United Nation agencies are supporting the rule of law sector in the West Bank and Gaza Strip (UNSCO, 1999), such co-ordination is vital.

The team consulted representatives of the European Commission, Denmark, the Netherlands, the USA and multilateral agencies such as the International Commission of Jurists and the World Bank to learn about their initiatives in the rule of law sector. Norway is a part of the Sector Working Group for the Rule of Law (as well as of the Sector Working Group for the Police). On these committees, there are co-ordination efforts both among the donors themselves and between the donors and the PA. The Sector Working Group for the Rule of Law is “shepherded” by the Australian Embassy in Tel Aviv. The group last met in April this year. Parts of the SWG (European Union, Denmark, Norway and the Netherlands) have since then also communicated informally by e-mail and telephone to exchange information, views and plans for activities. Co-ordination does, however, pose a challenge both practically and politically. On a practical level, co-ordination is difficult because the sector is large and unstructured. On a political level, donors may have different goals for supporting the rule of law (democratisation could be one objective, foundation for economic development could be another).

The activities of these countries or agencies are briefly summarised in the section which follows. More detailed information can be obtained from the 1999 UNSCO Report *Rule of Law Development on the West Bank and Gaza Strip: Survey and the State of the Development Effort*.

The World Bank

The World Bank has supported the Ministry of Justice since 1994. It funded the initial phases of the creation of a legal database, the *Palestinian Legal Information System*, at the Bir Zeit University Institute of Law¹⁴. Currently, the World Bank plans to spend a grant of USD 12 million awarded by the Saudi Fund on building two courts of second instance, one in Ramallah and one in Gaza. The land for these court-houses has already been allocated.

¹⁴ World Bank funding in 1994, after that from the Ford Foundation, the Konrad Adenauer Foundation and others.

The World Bank's *Comprehensive Development Framework* (CDF) integrates the rule of law and good governance with other development efforts, and the Palestinian Territory is a pilot country for this approach.

Denmark

Danish International Development Agency (DANIDA) has constructed a Programme for the Promotion of Democracy, Good Governance and Human Rights in the Palestinian Areas (PRODEPA). This programme is designed to strengthen the rule of law and to develop good governance through improvement of the capacity of the legislative and executive branches of government and the Judiciary. Approximately USD 3 million has been allocated to the PRODEPA programme for 1999–2000.

As part of PRODEPA's assistance for the physical infrastructure, Denmark plans to build two courts of first instance on the West Bank (Jenin and Tulkarem), as well as a Judicial Education Institute. Other PRODEPA projects include support for the Ministry of Justice Forensic Medicine Centre at Al-Quds University; support for the Bir Zeit University Legal Data Bank Resources project; support for the compilation of a Judicial Training Handbook; and support for the compilation, publication and dissemination of decisions and judgements of the higher courts of Gaza and the West Bank. PRODEPA is based on a Memorandum of Understanding between the PA and the Danish Representative Office that stipulates the planned projects and the required commitments for each project on the part of the PA.

Denmark spends DKK 4 million *per annum* of its Human Rights and Democracy budget on funding HROs. The recipients are by and large the same organisations as those that receive Norwegian, Dutch and Swedish support.

DANIDA has planned and explored the possibility of funding a TV studio in Ramallah as an innovative form of local media support. These facilities are designed to cater for the needs of some of the West Bank's 30 local commercial TV stations, as well as for foreign correspondents who will have the chance to use the studio to transmit their reports home from a location in the Palestinian Territory. This project is, however, in limbo, as the TV stations involved in the pilot initiative have been contacted by the Palestinian Ministry of Information and advised not to participate in the project meetings.

The International Commission of Jurists

Since 1989, the Swedish section of the International Commission of Jurists (ICJ) has supported 15 different Palestinian and Israeli HROs, one university (the Bir Zeit University Law Centre) and one publication (the Palestine Yearbook of International Law)¹⁵. Ten of these HROs are Palestinian, and the rest are Israeli HROs that work with the Palestinian agenda. The organisations supported by the ICJ are found mainly within the rule of law sector, even though some of the organisations work mainly with raising public awareness, such as the Israeli organisation B'tselem.

United States Agency for International Development

The United States Agency for International Development (USAID) has allocated USD 15 million over 3–5 years to the rule of law sector, in a programme that started in October 1999. USD 2.2 million has been subcontracted through American Mideast Educational and Training Services (AMIDEAST) for strengthening the legal profession. The remaining funds will be channelled via a second subcontractor, the American firm DPK International Inc. The latter has in turn appointed ARD Inc. as its principal subcontractor. The stated objective of this support is to increase the capacity of the judiciary to serve the public, develop the policy framework for judicial reform and improve Palestinian legal education.

Furthermore, the Wye River Memorandum funds allocated approximately USD 30 million to the Palestinian rule of law sector, with special emphasis on police and forensic technology. No plans have been developed for the allocation of these funds, but USAID reports that they might be spent on the construction of a small courthouse.

USAID has confronted problems in implementing their rule of law programme, according to their representative. This was confirmed by the head of the Palestinian Bar Association, who told the team that they were most unhappy with the programme so far. According to him, the funds are being spent with no results. Since the programme started six months ago, the Bar Association has received two computers and

¹⁵ **Palestinian HROs:** Al Haq; Jerusalem Centre for Human Rights (formerly Jerusalem Legal Aid Centre); Womens Centre for Legal Aid and Counselling, Ramallah; LAW; the Palestinian Society for the Protection of Human Rights and the Environment; Jerusalem Centre for Social and Economic Rights (JCSER); Muwatin; Palestinian Centre for Human Rights (PCHR); Ramallah Centre for Human Rights Studies (RCHRS); and DCI-Palestine section. **Israeli HROs:** B'tselem; Ha Moked; Kav LaOved; Adalah; Public Committee against Torture in Israel (PCATI); and DCI-Israel section.

a small number of books. The training that has been provided has not met the needs of the Palestinian lawyers and was provided by consultants that had neither the right qualifications nor experience in the field, he said. This view was also expressed by other representatives of the Bar Association. Furthermore, the Bar Association could not co-operate with the project manager from AMIDEAST. This project manager is now being replaced. The lessons to be learned from this experience are important, as they show that the ways in which the support is implemented, knowledge of the Palestinian context, as well as confidence, are crucial components which affect the opportunities for success in a rule of law initiative.

The European Commission

The European Commission has a larger programme for co-operation on security issues with the PA.

It also supports police training through the Raoul Wallenberg Institute. Civil police has been targets for this training for a number of years, and security police will be included. The European Commission plans to include human rights on the curriculum at the planned Police Academy. At present, the Commission is implementing a feasibility study that will be completed in August 2000. This study will guide the work that the European Commission will do in this field. The building of courthouses, all types of training and the computerisation of court management are likely areas on which the Commission will focus its support. The Commission has also been supporting HROs since 1996.

Considerable donor interest

There is an extensive donor interest in developing the rule of law. As can be seen, the building of courthouses to address the poor physical structures of the legal system is a field in which many donors are active or would like to participate.

- The Saudi Fund/World Bank: two courts of second instance (USD 12 million)
- USAID: USD 5–10 million for courthouses

- European Commission: EURO 10–15 million for the rule of law sector, could include courthouses
- The Netherlands: interested in construction of a courthouse if PA performance indicates that courthouses will be able to operate independently
- Denmark: two courts of first instance on the West Bank¹⁶

The team's interviews with representatives of the European Commission, Royal Danish Representative Office, World Bank, USAID, Dutch Representative Office and ICJ show a significant interest from the donors in assisting in the rule of law sector. This impression is confirmed in the UNSCO Report (1999). This report represents an attempt to survey the rule of law sector and its development in the Palestinian Territory. It reports on the activities in the sector and gives a comprehensive overview of the donors involved. This report contains information about 24 donors and thirteen UN agencies and programmes that currently support the rule of law sector. There are alleged shortcomings in the report with regard to the funds that it covers. Some of the people interviewed by the team claim that some of the figures have been inflated as they indicate pledged rather than actual imbursements. It has not been possible for the team to verify these allegations. Beyond question, the donor community is exhibiting a noteworthy interest in development of the rule of law. According to donor participants at the last SWG meeting, USD 75 million are in the pipeline for investment in the rule of law sector.

Several of the donor representatives interviewed by the team expressed a concern that “there is too much money in the rule of law sector”, indicating that the recipient capacity is not sufficient for the planned assistance.

¹⁶ The team learned that the UNDP has also expressed an interest in building courthouses, but it has not been possible to confirm this.

7 Needs and options for Norwegian support

There are many acute needs in the rule of law sector in the Palestinian Territory. Based on the needs recognized by the team during the field visit and those already identified in the Rocard report (1999) and the UNSCO report (1999), the team has found the needs presented in table 7.1 (overleaf) to be the most pressing. The numbers (1-7) indicate the team's view on which activities that would have most impact and should be prioritised by the donor community. The table also provides an overview of the most appropriate activities available for donor support.

Considerations for Norwegian donor involvement

When assessing the Norwegian options for support for the rule of law sector, there are in particular two aspects that have to be taken into consideration. Firstly, there are significant amounts of donor funding for supporting this sector. This situation makes it particularly important for the donor community to co-ordinate its efforts and plans in order to avoid duplication of donor activities. At the same time, co-ordination is difficult because the PA shows few signs of genuine commitment to going ahead with reforms and because it seems unwilling or unable to take a leading role in co-ordinating donor activities in this sector. This means that the donor community has found itself in a situation where there is a great interest in change on the part of the donor community but hardly any commitment at all on the part of the PA.

In such a situation, one might ask whether the donors should simply freeze the funds or withdraw their support in anticipation of genuine commitment from the PA. This option has been mentioned to the team by one of the main donors in the field. Alternatively, they may direct their support towards marginal areas of concern within the field of the rule of law, such as providing technical aid (e.g. the building of a physical infrastructure). Another alternative is to freeze the support to PA institutions and instead concentrate heavily on support to civil society organisations. A third alternative is to channel funds to other policy areas where there is smoother co-operation between donors and the government. Generally speaking, one weakness of failing to freeze the support given to a government that shows little interest in change (and instead redirecting this support) is that it may ease the pressure on the government to show its commitment (Royal Norwegian Ministry of Foreign Affairs, 1999b).

It is the opinion of the team that the Norwegian authorities should *not* follow any of the above strategies. Because of Norway's unique role in the peace process between Israel and the PLO, and because of its close and longstanding relationship with the PA, it should try to balance its support to infrastructure, human capital and civil society organisations with support to PA institutions. The Norwegian authorities should work in close co-operation with the PA to identify ways of supporting PA institutions that are of importance for establishing a rule of law system which functions well. In this way, Norway will retain its unique position for engaging in comprehensive policy talks with the PA in the field of the rule of law. At the same time, the Norwegian government should try to create the best possible institutional environment for long-term improvement in the sector by supporting investment in human capital and civil society organisations that promote the rule of law.

It is the opinion of the team that Norway's unique position in the peace process places heavy obligations upon it to convey a clear message to the PA that donors are interested in the rule of law. It is the assessment of the team – on the basis of our discussions with those concerned with human rights and the rule of law – that the PA understands that donors are more interested in “stability” than the rule of law. Thus a clearer message indicating that the two objectives are complementary should be transmitted in future dealings with PA officials. A minor, but concrete, step in this direction is to incorporate a rule of law review as an integral part of the annual review of Norwegian aid to the Palestinian Territory.

Norway's support in this field should be in line with the following principles.

Long-term but flexible approach

Improvement in human rights performance involves long-term effort and commitment. For instance, the attitudes of a police force cannot be changed overnight. The same holds true for routing out corruption within the judiciary or building up an effective NGO sector working in the field of the rule of law. In view of this, long-term perspectives, patience and perseverance are needed and the donors should try to make sure that the output of their support is institutionalised in society itself. At the same time, in highly politicised areas, there will still be a need for fast and flexible responses, both to exploit any windows of opportunity that may emerge suddenly, and more generally to make the necessary adjustments to changing circumstances in an unpredictable environment. For example, there may be sudden changes in the PA commitment in the field of the rule of law. This may, in turn, lead to the passing of new laws that would have a significant bearing on the working of the sector, as well as on the effectiveness of the Sector Working Group for the Rule of

Table 7.1 Needs in the rule of law sector and relevant donor activities

Needs	Donor activities
1. Abolition of the state security courts Respect of the rule of law in all branches of the PA Establishment of clear lines of authority both within the juridical system and between the juridical system and the executive authority	General donor pressure on the PA. Specific pressure to implement national plans of action and the passing of laws relevant to the rule of law sector Training of law enforcement agencies such as the police and security forces Development of an independent forensic science facility on the West Bank and in Gaza
2. Unification of existing laws and passing of new laws and regulations	Improvement of co-ordination between the Ministry of Justice and other rule of law institutions Updating of library facilities at universities, PA ministries and jurist associations Computerisation of legal and juridical database accessible to the various actors in the juridical sector Donor pressure on PA for passing of the Judiciary Law
3. Improvement of court buildings/facilities and more effective court management and prosecution procedures	Building of new courthouses and renovating old ones Computerisation Programme for efficient procedures
4. A judiciary with qualified and independent judges and prosecutors with a suitable payroll and promotion system	Pressure on the PA to increase the number of judges and prosecutors Training programmes for the staff in the judiciary and the juridical staff in the Ministry of Justice and other line ministries
5. Establishment of unified and independent professional associations that could effectively promote the rule of law (e.g. the Bar Association and journalist association)	Technical support for the building of independent associations (computers, building facilities, staff, facilitating links with international professional organisations)
6. Empowering civil society through human rights NGOs and other organisations to advocate and lobby for the principles of the rule of law	Support for NGOs and their programmes Programme for building the capacity of NGOs; organisational and financial management, democratic governance
7. Strengthening Palestinian legislative power, the Palestinian Legislative Council (PLC)	Support for the training of PLC staff and for research facilities Training of PLC members in legislation and the rule of law

Law. Moreover, a breakthrough in final status negotiations between Israel and the PLO/PA or the eruption of a long-term violent political crisis will also create a different context for the implementation of the Norwegian strategy in the rule of law sector.

Thus Norwegian support should be based on a *dual-track strategy*: a long-term institution-building perspective combined with short-term activities.

Holistic/integrated approach

Adherence to rule of law principles in a given state is dependent not only upon a judiciary which functions well, but also upon a vibrant democracy and an independent press. The legislative branch of government may well be strengthened by projects that are aimed at encouraging participation by citizens in the politics of their constituencies. This would improve the functioning of democratic institutions such as legislative committees, as well as local governments. Moreover, a free and independent press is a necessary prerequisite for enabling civil society to work as a government watchdog.

Co-ordination to avoid unnecessary duplication

Insufficient co-ordination often results in unnecessary duplication, competition and, generally, sub-optimal utilisation of resources. However, in some cases duplication may be preferable as donors could make joint efforts to finance a particularly expensive project. In other cases, duplication may be preferable because donors can finance a specific component of a larger project; for instance, improving a court system will involve components such as the building of courthouses, computerisation, new organisational procedures and the training of personnel. What is *not* preferable, however, is over-investment in a sector or in a project that is a result of lack of information shared between stakeholders.

This is why the team wishes to stress the importance of co-ordination. At the same time, the team recognises the difficulties in achieving donor-co-ordination in this context, because the PA is not giving priority to the work in the Sector Working Group for the Rule of Law, and because the various donors have different agendas as well as varying views on rule of law issues. In such a situation, however, Norway should strive to attain increased co-ordination among like-minded donors.

Support to disadvantaged groups

Norway's development aid has a long tradition of supporting disadvantaged groups. In the case of the Palestinian Territory, the majority of HROs are located in the urban centres of the West Bank and Gaza. This is not to say that the population outside these areas does not have access to their services, such as legal aid and awareness campaigns. However, there is no doubt that HROs have the potential to reach even wider segments of the population. Thus Norwegian support should be directed not only at the established HROs, but also at NGOs that aim to reach groups that are not frequently served by HROs.

As will be seen by the list of recommendations below (section 8), the team will not advise Norwegian authorities to disperse their support, but to concentrate it on a few activities. It will be advisable to concentrate this support on activities which are not yet heavily funded by other donors, that fit well into Norwegian development aid policy and that enable Norway to utilise its unique position in the peace process between Israel and the Palestinians. However, since the context of these recommendations is unpredictable, it may well be advisable for Norwegian authorities in future to opt for other activities or to consider more widespread support.

Monitoring and managing support

When adopting a dual-track strategy, the Norwegian authorities will need to accept a certain level of risk. Because most activities are multi-faceted and take place in an unpredictable political environment, the Norwegian rule of law strategy will require almost continuous dialogue, oversight and adjustment. This may require increased capacity in the Representative Office or regular monitoring of consultants with an intimate knowledge and understanding of the local situation and development.

A strategy of this type may also require more flexible *financial* and programming procedures. In a comprehensive evaluation of the Danish support for democratisation in developing countries (*Evaluation of Danish Support for the Promotion of Human Rights and Democratisation*, DANIDA, 1999/11), two moves towards creating such flexibility have been identified.

- Further devolution of decision-making authority to the diplomatic mission. Such a move would enhance the ability of the Embassy/Representative Office to make timely and flexible responses.
- Expansion of the financial framework at the disposal of the Embassy/Representative Office. By expanding the embassies' separate budgetary items for non-

programme purposes, it will be possible to target the specific needs of the rule of law more precisely. At the same time, potential controversies among various parts of the donor governments relating to budget allocations may be mitigated.

It is the assessment of the team that such moves should be considered in the context of the Palestinian Territory.

8 Recommendations

At present, the PA expresses no credible interest in improving the rule of law. If this situation changes for the better, the Norwegian authorities should be prepared, in consultation with the PA, to embark upon revision of the reform of the rule of law led by the government. In such a situation, one should reassess the possibilities of implementing several of the activities listed in section 7 (table 7.1).

Besides placing greater emphasis on the rule of law messages transmitted by Norway to the PA, the team will advise the Norwegian authorities to focus on three main areas in the current situation: 1) empowering and building the capacity of judicial organisations and HROs, 2) support for various kinds of training activities, and 3) strengthening of Norway's own capacity to develop an effective rule of law policy within Norwegian aid to the Palestinian Territory.

Other donors are heavily involved in support to court building, computerisation and effective court management, and the team sees no reason why the Norwegian authorities should take the risk of unnecessary duplication in these areas of support. Moreover, the team will advise the Norwegian authorities to rule out funding that would be fully controlled by the PA. Such projects would include support for technical equipment and ordinary salaries for PA employees.

In line with the overall assessment of the role of the Palestinian civil society organisations as described in section 5, the team will advise the Norwegian authorities to concentrate their support for capacity building and training on particular segments of civil society. They should prioritise those organisations that are supposed to have the most impact on the rule of law situation, particularly HROs and professional organisations.

1. Building the capacity of judicial organisations and HROs

Norwegian support should be given to independent professional judicial organisations.

Professional judicial organisations such as the Bar Association and possibly a new association for judges and prosecutors should be supported. With reference to the principles outlined in section 7, there is a need for careful co-ordination with other donors – particularly with the Netherlands, Denmark and the USA – to avoid unnecessary duplication. If other donors provide support for construction work or office

facilities, Norway should – for example – opt for other components such as library facilities or computerised access to the Bir Zeit University Legal Data Bank.

Continue the support to the main HROs

These organisations deserve continued support because they are able to effectively criticise the PA. Moreover, they have built up important professional skills in the rule of law and are organising awareness campaigns that reach large segments of the Palestinian population. Their high profile internationally makes them less vulnerable to harassment from the PA than less well-known organisations. Moreover, their high profile in criticising the PA provides some sort of protection for other newly established organisations that do not have the international protection enjoyed by major organisations.

Support for an independent journalist association

In line with the integrated approach detailed in section 7, the Norwegian authorities should encourage organisations that work for an independent Palestinian press. Given the conflict between the NGOs and the PA referred to in section 5, the Norwegian authorities should postpone the provision of large-scale support until a *de facto* independent organisation is established. In the meantime, some kind of minor technical support can be considered in order to establish a platform for talks with organisations.

Palestinian HROs that receive funding from Norway should exercise good internal governance and improve their organisational skills

A capacity centre or programme aimed at improving the skills of Palestinian HROs with regard to both management and administration, and support for and liaison with their constituencies could empower these organisations. It is the opinion of the team that increased adherence to principles of good governance and democracy within the NGO sector itself is instrumental to the promotion of a more organic relationship between the NGOs and the Palestinian grass roots.

The MFA should draw on the experiences of existing initiatives in this field, such as the capacity-building programme for Palestinian NGOs, that are supported by the *People-to-People Programme*, or the initiative by Norwegian People's Aid for the NGOs with which they co-operate.

The MFA should identify and support new organisations that work closely with the population on a local level to improve awareness of the rule of law and democracy

In line with the principle of support to marginalised groups as described in section 7, organisations from Gaza should be encouraged, since much of the Norwegian support given at present is allocated through West Bank-based organisations.

The team has not done a mapping of new organisations in order to identify potential co-operation partners, as this would require a study in itself. One exception is the newer organisation Al Mezan Centre for Human Rights, which met with the team. Al Mezan is located in the Jabalia refugee camp in Gaza and focuses on economic, social and cultural rights.

2. Training

The team believes that it is of importance to strengthen the rule of law sector by better equipping the people working in the sector for a situation where there is a political interest in improving the rule of law in Palestinian society. It is therefore important to improve the skills of individuals working in the legal professions by strengthening their knowledge in legal matters as well as their institutions.

Norway should support the training of judges, lawyers and prosecutors

Training should take place primarily through their professional organisations if they prove to be mainly independent from the executive powers. Moreover, if abroad, training should take place in the region – for example in Morocco, Egypt or Jordan. Training in Israel would prove difficult as the Israeli legal system differs from the Palestinian one.

Support should be given to improve the skills of the legal staff within the ministries that draft the law regulations before these are returned to the *Diwan Al Fatwa Al Tashri* office at the Ministry of Justice.

As far as the team is aware, there are no other donors considering such a programme. Thus in this particular field there is little chance of the unnecessary duplication of donor activities. Norway could, therefore, opt for a range of activities, such as training, library facilities and computerised access to the Bir Zeit University Legal Data Bank. Such a programme could be explored through a pilot project implemented with just one ministry, such as the Ministry of Finance.

Generally speaking, the Norwegian authorities should await the precise identification of training projects until the European Commission has identified its targets for training. This will take place only after the finalisation of its feasibility study in August this year.

3. Enhancing own capacity

The MFA should concentrate its co-ordination with like-minded donors in initiatives relating to the rule of law and the actual support given to HROs

This co-ordination should include application and reporting formats and procedures with a view to more efficient administration both on the part of the donor and on that of the recipient HRO. Co-ordination could take place at annual meetings in the Palestinian Territory. Moreover, in order to secure the long-term impact of this co-ordination, the option of granting support for more than one year at a time should be established.

The Representative Office should be strengthen in its capacity to administer, finance and monitor Norwegian support to HROs and rule of law projects

In line with the recommendations of the DANIDA report (DANIDA, 1999), the team supports the delegation of decision-making authority to the Representative Office. This will enhance its abilities to make timely and flexible responses in an unpredictable political environment. This should be linked with financial devolution in the form of a separate budgetary item. A system of this type will provide the Norwegian authorities with a budgetary steering instrument better suited to the implementation of strategies in the field of the rule of law than the existing one. As noted in section 3, the current system permits too little co-ordination between financial channels.

These new responsibilities could be assigned to one position within the Representative Office. Other responsibilities should include co-ordination with other donors, monitoring of the effects of the various Norwegian projects in the sector and monitoring of the efficiency of the Palestinian partners.

An alternative model would be to assign a Norwegian NGO to this task in order to ensure professional and committed co-operation. If the Representative Office continues to experience a lack of capacity, external consultants could be used for specific assessments.

Appendix 1 Terms of Reference

Review of Norwegian support to the Palestinian civil society and the rule of law

1 Background

Support to Civil Society and democratisation constitutes an overall priority in Norwegian Development Co-operation. Thus, continuous support to the Palestinian Civil Society with the aim of promoting a democratic Palestinian Society has formed a central part of the Norwegian development portfolio in the Palestinian Territory. In line with the assessments carried out by Palestinian institutions, the donor community and the recommendations for reforms within the Palestinian Rule of Law system in the report “Strengthening Palestinian Public Institutions”, the Government of Norway acknowledges the urgent need to further strengthen the Civil Society and the Rule of Law in the Palestinian Territory.

Norwegian assistance to the Civil Society and the Rule of Law in the Palestinian Territory is given through several channels. The main channels are: 1. Support to partnership based co-operation between Norwegian and Palestinian NGOs, channelled through NORAD/Division for Civil Society, 2. Project-based support to Palestinian human rights and Civil Society associated NGOs channelled through the Ministry of Foreign Affairs, 3. Support to activities of the United Nations, mainly through the Office of the High Commissioner for Human Rights in Gaza, 4. Institutional components in bilateral development projects and further projects within the Police sector, through NORAD.

2 Objectives of the Mission

The overall objective of the mission is to make recommendations on a future strategy for Norwegian support to the Civil Society and Rule of Law in the Palestinian Territory, based on an assessment of the current situation and developments within this field. Recommendations should also be made on the utilisation of the various channels supporting this sector.

Furthermore, the Team shall in co-ordination with the Representative Office undertake an appraisal of Civil Society-related activities currently under consideration at the Representative Office.

3 Scope of Work

Based on the assessment of the Civil Society and the Rule of Law system, the Team shall carry out an assessment of the current situation of the Civil Society - NGOs in general, with particular emphasis on NGOs advocating adherence to Rule of Law principles in Palestinian institutions (hereafter Civil Society NGOs). The Team shall assess the viability of the current Norwegian contribution to this field in light of the overall objectives of the Norwegian development policy, with a view to suggesting a strategy for future assistance to the Civil Society and the Rule of Law in the Palestinian Territory. The focus should, therefore, be on recommendations which are intended to form the basis for a future strategy for Norwegian assistance in this respect.

Hence, the Team shall:

- assess the situation of the application of the Rule of Law principles in Palestinian institutions.
- assess the institutional framework and conditions in the Palestinian Territory for NGOs in general, with particular focus on Civil Society NGOs.
- identify segments of Palestinian Civil Society NGOs which are of special relevance to the democratisation of the Palestinian society, and which are playing instrumental roles in promoting Rule of Law principles.
- advice the Foreign Ministry and NORAD on possible support to these segments, and the utilisation of financial channels.
- assess potential support in light of recent initiatives undertaken by some other countries, notably the EU, Denmark (DANIDA), the USA (USAID), the International Commission of Jurists (ICJ), as well as the World Bank.
- assess the relevance of a sector-approach, with possible co-financing with other donors, to the Rule of Law projects.
- Carry out an appraisal of Civil Society related initiatives currently under consideration at the Representative Office, as specified below. The Team will give recommendations concerning possible support based on its assessment and conclusions.

- Support to the establishing of a MA Program at Bir Zeit University on the Rule of Law and Democracy.
- Support to a project undertaken by the Human Rights organisation LAW, relating to a support function to the Human Rights Committee in the Palestinian Legislative Council (PLC).
- Support to Palestinian Forum for Democracy
- Support to the Democratic Association for the Protection of Civil and Political Rights.
- Continuing support to the Palestinian Independent Commission for Citizens' Rights.
- Continuing support through the office of the UN Commissioner for Human Rights.

4 Limitations

There are two interlinked components subject to assessments and recommendations, Civil Society and the Rule of Law. The latter should be seen as the backdrop to the first.

4.1 The Civil Society Component

The focus should be on Civil Society NGOs, including media organisations.

4.2 The Rule of Law Component

The Team should also draw on recent evaluations of the sector undertaken by DAN-IDA, UNSCO and the US Council on Foreign Relations (CRF). Priorities identified by the Palestinian Authority in its Development Plan (PDP) and Rule of Law Action Plan, as well as the current work of the ministerial committee to undertake reforms in the Rule of Law and justice system, following recommendations in the report of the CRF "Strengthening Palestinian Public Institutions", should be a point of reference. Special attention should be given to the situation within the judiciary.

5 Implementation

Primary source of information will be discussions with the relevant people and institutions as well as written material in the form of project documents, reports and accounts.

The Team will be responsible for conducting the review, including all practical arrangements. The review should be undertaken within a time frame of four weeks, in which one week shall be assigned for preparations in Oslo, ten days for the field trip and finally one week will be assigned for reporting upon return.

The Team should comprise the following persons:

1. Ms. Lena C. Endresen, Institute of Applied Social Science (FAFO)
2. Dr. Arild Schou, Norwegian Institute for Urban and Rural Research (NIBR)
3. Mr. Per Stadig, Lawyer and Member of the International Commission of Jurists (ICJ)

6 Reporting and Presentation of Findings

The field trip shall be carried out in weeks 21-22, starting on 27 May 2000. A final report shall be submitted to the Ministry and NORAD not later than 9 June 2000. The report shall be written in English. The report should include an executive summary, an introduction, a summary of the scope and objectives of the review, major findings, conclusions and recommendations.

Findings and recommendations shall be presented to the Ministry of Foreign Affairs and NORAD. Preliminary findings will be presented in a one-day seminar at the Representative Office West Bank/Gaza upon finalisation of the field trip and a presentation will be held at the Ministry of Foreign Affairs in Oslo, after submission of the final report.

Appendix 2 List of contacts

Norway

Royal Norwegian Ministry of Foreign Affairs

Regional Adviser Svein Sevje

Adviser Kari Bjørnsgaard

Executive Officer Iman Timraz

Norwegian Agency for Development Cooperation (NORAD)

Adviser Reidun Roald

Adviser Alf Arne Ramslien

Adviser Haakon Gram-Johannesen

Palestinian Territory

Representative Office of Norway to the Palestinian Authority

Minister Geir O. Pedersen

Senior Executive Officer Torgeir Larsen

Ministry of Justice

Head of Diwan Al Fatwa Wa Al Tashri Ibrahim M. Aldaghma

Attorney General Zohair M. Al Sorani

Deputy Attorney General Sa'ad W. Shuhaiber

Assistant Attorney General Judge Mazen H. Sesalem

Ministry of NGOs

Minister Hassan Asfour

General Director Dr. Fathi Darwish

Bethlehem District Court

Chief Justice Farid I. Musleh
Magistrate of Bethlehem Khery Ialloom
Judge Muhammad Hroub
Judge Fardi Surur

Ramallah Municipality Court

Head Abed Allah Azlan
Judge Talat Zayed Al-Iaweel

Income and Taxation Appeal Court

Head Issa Abu Sharar

Palestinian Legislative Council (PLC)

General Director Muhammed Labadi
Dalal Salameh
Kamal Shrafi

Palestine Red Crescent Society

Haidar Abdul Shafi (former PLC member)

Palestinian Independent Commission for Citizens Rights (PICCR)

General Director Ali Jarbawi

Members of the Bar Association

Abdel El Rahman Abu El Nasser
Attorney at Law Shukri Nashashibi
Attorney Raed Abdul Hamid
Ibrahim Barghouti
Khader Shkirat
Shawqi Issa

Palestinian Centre for Peace and Democracy

Director General Nassef Mu'alleem

LAW The Palestinian Society for the Protection of Human Rights and the Environment

General Director Khader Shkirat
Executive Director Shawqi Issa

Nablus Chamber of Commerce and Industry

President Ma'az M. Nablusi

Palestinian Center for Human Rights

General Director Raji Sourani

Norwegian People's Aid

Resident Representative Nora Ingdal

Women's Affairs Technical Committee

Director General Suheir Azzouni

Al-Ayyam Newspaper

Mr. Abdel Raouf Arna'out

MIFTAH: The Palestinian Initiative for the Promotion of Global Dialogue and Democracy

Secretary General Dr. Hanan Ashrawi

Palestinian NGO Network (PNGO)

Izzat Abdul-Hadi, General Director of BISAN Center for Research and Development

Palestinian Journalist Association

Saud Abu Ramadan

Al-Mezan Human Rights Centre

Issam Younis

Kamal Shrafi

United Nations High Commissioner for Human Rights Office (UNHCHR)

Chief Technical Advisor Amin Mekki Medani

Joseph Schechla, Coordinator Training and Information

United Nations Special Co-ordinator in the Occupied Territories (UNSCO)

NGOs and Media Liason Officer Marwan Ali Kafarna

HDIP: Health, Development, Information and Policy Institute

Director Mustafa Barghouti

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Rule of Law Project Manager Ellen Kelly

Appendix 3 References

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Appendix 4 Draft/Proposed Laws in the Palestinian Territory

(Source: Palestinian Legislative Council)

Draft/Proposed Laws in the Palestinian Legislative Council Issued by the President

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued
2/96/M.O	Election Law For The Palestinian Local Councils	Council of Ministers	20/03/96			22/08/96	10/10/96	01/12/96			16/12/1996
4/97/M.O.	Local Councils' Law	Council of Ministers									
6/97/M.O	Monetary Authority Law	Council of Ministers	07/05/98	07/05/98	07/05/98	27/03/97	11/04/97	30/6/97		15/12/97	16/12/97
20/97/A	Investment Law	PLC Members	10/11/97	10/11/97	10/11/97	09/12/97	19/03/98	14/04/98		20/04/98	23/04/98
18/97/M.O	Firearms and Ammunition Law	Council of Ministers	19/04/97	30/09/97	30/09/97	25/11/97	07/01/98	02/04/98		20/04/98	20/05/98
3/96/M.O	Civil Service Law	Council of Ministers	08/05/96	08/05/96	08/05/96	7/1/96	29/01/97	03/06/97		04/06/97	28/05/98
25/97/M.O	Jewelry Monitoring and Hallmarking	Council of Ministers	17/03/97	30/09/97	30/09/97	25/11/97	09/12/97	17/03/98		24/03/98	28/05/98
17/97/M.O	Civil Defense Law	Council of Ministers	11/04/97	30/09/97	30/09/97	25/11/97	08/01/98	31/03/98		20/04/98	28/05/98
13/97/A	Rehabilitation and Correction Centers	Oversight Committee	20/11/97			25/11/97	02/04/98	28/04/98		02/05/98	28/05/98
10/97/A	Budget Law	Budget Committee	30/04/97	09/03/98	19/03/98	19/03/98	02/04/98	14/04/98		20/04/98	03/08/98
11/97/M.O	Livestock Protection Law	Council of Ministers	11/04/97	30/09/97	30/09/97	13/10/97	14/10/97	10/12/97		09/03/98	02/11/98
37/98/M.O	Palestinian Higher Education Law	Council of Ministers	16/05/98	17/05/98	17/05/98	27/05/98	13/07/98	30/07/98		19/08/98	02/11/98
32.98/M.O	Industrial Free Zones and Towns	Council of Ministers	24/01/98	17/03/98	17/03/98	17/03/98	29/07/98	18/08/98		09/09/98	02/11/98
29-1/97/M.O	Public Procurement Law	Council of Ministers	13/07/97	19/03/98	19/03/98	27/05/98	14/07/98	18/08/98		14/09/98	02/11/98
24/97/M.O	Public Gathering Law	Council of Ministers	27/03/97	30/09/97	30/09/97	28/04/98	20/08/98	25/11/98		19/12/98	28/12/98
30/98/M.O	Natural Resources	Council of Ministers	24/01/98	19/03/98	19/03/98	28/04/98	18/08/98	05/11/98		05/12/98	24/01/99
35/98/M.O	Civil Status Law	Council of Ministers	25/07/98	29/07/98	29/07/98	11/11/98	12/11/98	08/12/98	21/04/98	10/05/99	08/06/99
09/97/L	Bar Association Law	Legal Committee	09/07/97	10/07/97	10/07/97	14/07/97	01/12/98	06/01/99	06/04/99	19/04/99	24/06/99
40/98/A	Disabled Rights Law	PLC Members	16/03/98	19/03/98	19/03/98	05/11/98	06/01/99	16/03/99	25/05/99	02/06/99	09/08/99
61/99/A	Amendment to the Bar of Association Law	Member	18/11/99	18/11/99	18/11/99						
36/98/M.O	Environment	Council of	16/05/98	17/05/98	17/05/98	18/08/98	27/05/97	06/07/99		05/08/99	28/12/99

29-2/97/M.O.	Tenders and Public Government Works	Ministers	13/07/97	19/03/98	19/03/98	27/05/98	01/09/98	25/11/98	09/06/99	27/06/99	28/12/99
19/97/M.O.	Non-Government Organizations	Council of Ministers	13.10.97	13/10/97	13/10/97	09/12/97	30/05/98	30/07/98	25/05/99	12/08/98	16/01/2000
21/97/A	Commercial Agencies	PLC Members	10/11/97	10/11/97	10/11/97	09/12/97	07/01/99	20/04/99	24/06/99	15/07/99	16/01/2000
53/99/M.O.	Arbitration Law	PLC Members	16/06/99	24/06/99	24/06/99	06/07/99	23/11/99	03/02/2000		22/02/2000	---
50/99/M.O.	Amendments to the Jewellery Monitoring and Hallmarking	Council of Ministers	19/04/99	20/04/99	20/04/99						
38/98/L	Palestinian Labor Law	Education Committee	08/03/98	10/03/98	10/03/98	27/05/98	24/12/98	27/10/99		18/11/99	04/05/2000

Palestinian Authority General Budgets Which Have Been Ratified by the PLC

5/97/M.O	PA General Budget for the Fiscal Year 1997	Council of Ministers	15/03/97	15/03/97	15/03/97	27/05/97	
34/98/M.O	PA General Budget for the Fiscal Year 1998	Council of Ministers	27/01/98	31/03/98	28/04/98		29/06/98
54/99/M.O	PA General Budget for the Fiscal Year 1999	Council of Ministers	13/07/99		14/07/99	12/08/99	04/09/99
60/99/M.O	PA general Budget for the Fiscal Year 2000	Council of Ministers	7/11/99	17/11/99	17/11/2000		

Draft/Proposed Laws in the Palestinian Legislative Council Referred to the President & Not Endorsed

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued
1/96/a	Basic Law	Minister of Justice	05/05/96	08/05/96	05/08/96	10/07/96	1/9/96	17/09/97	02/10/97	04/10/97	
7/97/A	Regulating Foreigners' Ownership of Real Estate	Legal Committee	16/06/97	16/06/97	16/06/97	16/06/97	30/06/97	30.09.97		04/10/97	
08/97/M/O	The General Commission of Petroleum	Council of Ministers	19.04.97			15/07/97	18/09/97	25/11/97		07/12/97	
14/97/L	Judiciary Law	Legal Committee	08/06/97			12/11/97	25/06/98	02/09/98	25/11/98	05/12/98	
67/2000/M.O	Amendment to Judiciary Law	Council of Ministers	26/01/2000	03/02/2000						05/02/2000	
44/98/C.M	Administrative Structures	Council of Ministers	04/11/98	10/11/98	10/11/98	08/12/98	03/11/99	13/03/2000		09/04/2000	
62/99/M.O	Formation of Regular Courts	Council of Ministers	02/12/99	14/12/99	14/12/99	15/12/99	12/02/2000	12/03/2000		09/04/2000	
55/99/A	Law of Palestinian Specifications	PLC members	21/7/99	14/10/99	14/10/99	1/12/99	16/2/2000	12/4/2000		29/4/2000	

Draft/Proposed Laws in the Palestinian Legislative Council which will have a Third Reading

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Party Requesting Third Reading	Date of Request
49/99/M.O	Traffic Law	Council of Ministers	19/04/99	20/04/99	20/04/99	23/06/99	16/12/99	15/02/2000	Council of Ministers	28/02/2000
31/98/M.O	Statistics Law	Council of Ministers	24/1/98	17/3/98	17/3/98	17/3/98	29/3/2000	2/5/2000	23 PLC members	17/5/2000

Draft/Proposed Laws in the Palestinian Legislative Council which completed First Reading

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading
56/99/M.O	Penal Procedures	Council of Ministers	22/07/99	14/10/99	14/10/99	27/10/99	15/02/2000
	Consular Fees	Council of Ministers	3/8/99	14/10/99	14/10/99	1/12/1999	17/5/2000

Draft/Proposed Laws in the Palestinian Legislative Council which completed General Discussion

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion
12/97/M.O	Political Parties	Council of Ministers	24/01/97	30/09/97	30/09/97	10/11/97
28/97/A	National Service	PLC Members	31/08/97	19/03/98	19/03/98	27/05/98
43/98/M.O	Banks Law	Council of Ministers	25/10/98	5/11/98	5/11/98	08/12/98
41/98/L	Income Tax Law	PLC Budget Committee	18/10/98	5/11/98	5/11/98	21/12/98
45/98/M.O	Rations Law	Council of Ministers	04/11/98	10/11/98	10/11/98	01/12/99
46/99/A	Copyright "Author's" Rights	Dr. Azmi Shuaibi	01/03/99	16/03/99	16/03/99	01/12/99
57/99/M.O	Farmers' Compensation Fund Against Natural Disasters	Council of Ministers	03/08/99	14/10/99	14/10/99	01/12/99
59/99/M.O	Water	Council of Ministers	31/08/99	14/10/99	14/10/99	01/12/99
652000/M.O	Public Health	Council of Ministers	26/01/2000	03/02/2000	03/02/2000	12/03/2000
662000/M.O	Civil Procedures Law	Council of Ministers	26/11/2000	3/2/2000	3/2/2000	3/2/2000
682000/M.O	Lease of houses and Commercial Real Estate	Council of Ministers	4/4/2000	3/5/2000	3/5/2000	3/5/2000
692000/M.O	Civil Aviation Law	Council of Ministers	19/4/2000	3/5/2000	3/5/2000	3/5/2000

Draft/Proposed Laws in the Palestinian Legislative Council which have been Referred to Specialized Committees for Opinion

#	Proposal	Submitted By	Date of Receipt	Date of Submission to PLC	Date of Referral to the Committee
63/99/M.O	Social Insurance	Council of Ministers	02/12/99	14/12/99	14/12/99

Draft/Proposed Laws in the Palestinian Legislative Council which have been Returned

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion
27/97/M.O	Natural Resources Protection Law in Gaza	Council of Ministers	19/04/97	30/09/97	30/09/97	Returned to Executive Branch Because it Refers to a Specific Area
22/97/M.O	Establishment of the Palestinian Rural Development Center	Council of Ministers	19/04/97	30/09/97	30/09/97	18/08/98 Returned to the Executive Branch
47/99/A	Publications Law	Member Dr. Azmi Shueibi	13/03/99	16/03/99	15/03/99	25/05/99 Has been Rejected because a Presidential Decree has been Issued to Publish. Further, It Has Been Published in the Official Gazette
48/99/M.O	PA General Budget for Fiscal Year 1999	Council of Ministers	05/04/99	05/04/99	05/04/99	09/06/99 Has Been Retrieved by the President

Laws in the Palestinian Legislative Council which have been Halted

#	Proposal	Submitted by	Date	Date of Submission	Date of Referral	General Discussion	Date of Halting Proposal	Party demanded Halting
52/99/M.O	Regulating Trade and Handling of Insecticide	Council of Ministers	16/6/1999	24/6/99	24/6/99	1/12/99	15/5/2000	Council of Ministers

Draft/Proposed Laws in the Palestinian Legislative Council which have been Merged

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion
33/98/E	Welfare and Rehabilitation of Disabled	PLC Member	10/03/98	19/03/98	19/03/98	General Discussion 18/08/98 returned to Committee 5/11/98 merged with Law no.40/98/a Disabled Access to Public Places.

Draft/Proposed Laws in the Palestinian Legislative Council which have been Rejected

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion
26/97/M.O	Appointment of Cheftain	Council of Ministers	11/04/97			General Discussion Rejected on 02/07/97
64/99/L	Prohibition of Torture against Detainees and Prisoners	Oversight Committee	19/12/99	30/12/99	30/12/99	Rejected on 17/5/2000

Draft/Proposed Laws in the Palestinian Legislative Council which have been Postponed

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	Date	Reason for Postponement
15/97/M.O	Local Organizations Development Bank	Council of Ministers	11/04/97	30/09/97	30/09/97	30/09/97	Postponed Until Ratifying the Banks Law
16/97/M.O	Veterinarians Law	Council of Ministers	27/03/97	30/09/97	30/09/97	30/09/97	Postponed Until Ratifying Unions Law
39/98/L	Governmental Health Insurance	Education Committee	20/05/98			05/11/98	To be Submitted as part of the Public Health Law
42/98/M.O	Monitoring Citrus Products	Council of Ministers	25/10/98	5/11/98	5/11/98	08/12/98 Postponed	
51/99/A	Palestinian Medical Council	PLC Member Muawia Al-Masri	25/04/99	11/05/99	11/05/99	25/05/99	Until Completion of Health Laws
23/97/A	Support Families of Martyrs, Prisoners of War and Injured	PLC members		30/9/97	30/9/97	28/7/98 19/8/98	Submitted for the Committee for first reading but returned for review

Laws Which Have Been Published in the Official Gazette after being Approved by the President

No.	Law	Issue #	Page	Date of Publishing
1	Law No. (5) for the year 1996 Election Law for the Palestinian Local Councils	16	06	30/12/1997
2	Law No. (1) for the year 1997 Local Councils' Law	20	05	29/11/1997
3	Law No. (2) for the year 1997 Monetary Authority Law	21	05	31/12/1998
4	Law No. (1) for the year 1998 Investment Law	23	05	08/06/1998
5	Law No. (2) for the year 1998 Firearms and Ammunition Law	23	28	08/06/1998
6	Law No. (3) for the year 1998 Civil Defense	24	05	01/07/1998
7	Law No. (4) for the year 1998 Civil Service	24	20	01/07/1998
8	Law No. (5) for the year 1998 Jewelry Monitoring and Hallmarking	24	72	01/07/1998
9	Law No. (6) for the year 1998 Rehabilitation and Correction Law	24	87	01/07/1998
10	Law No. (10) for the year 1998 Industrial and Free Zones and Towns	27	5	08/12/1998
11	Law No. (11) for the year 1998 Higher Education	27	28	08/12/1998
12	Law No. (12) for the year 1998 Public Gathering	28	06	13/03/1999
13	Law No. (1) for the year 1999, Natural Resources	28	10	13/03/1999
14	Law No. (2) for the year 1999, Civil Status	29	6	17/07/1999
15	Law No. (9) for the year 1998, Public Procurement Law			
16	Law No. (4) for the year 1999, Disabled Rights Law	30	36	10/11/1999
17	Law No. (8) for the year 1998, Livestock Protection Law			
18	Law No. (7) for the year 1998 Budget Law			
19	Law No. (3) for the year 1999, Bar Association Law	30	05	10/11/1999
20	Law No. (5) for the year 1999, Amendment to Bar Association Law			
21	Law No. (7) for the year 1999, Environment Law			
22	Law No. (8) for the year 1999, Tenders for Public Works			
23	Decree No. (1) for the year 1999, Amendment to Law No. (5) for the year 1998, Jewelry Monitoring and Hallmarking	30	46	10/11/1999
24	Law No. (2) for the year 2000, Commercial Agency Law			
25	Law No. (1) for the year 2000, NGO's Law			
26	Arbitration Law # 3 of 2000			
27	Labor Law # 4 of 2000			

Laws Issued by the President and Published in the Official Gazette

No.	Law	Issue #	Page	Date of Publishing
1	Law No. (6) for the year 1995, Investment Law	05	06	05/06/1996
2	Law No. (11) for the year 1995, Exempting the Vehicles of Diplomatic and Consular Missionaries from Registration and Licensing Fees	07	08	25/10/1995
3	Law No. (12) for the year 1995, Palestinian Energy Authority (Undertaking)	07	10	25/10/1995
4	Law No. (13) for the year 1995, Election Law	08	07	11/12/1995
5	Law No. (16) for the year 1995, Amendments to Election Law	10	04	31/12/1995
6	Law No. (17) for the year 1995, General Control "Auditing" Commission Law	11	07	11/02/1996
7	Law No. (1) for the year 1995, Title Deeds for Apartments, Stores, Shops and Floors	11	22	11/02/1996
8	Law No. (2) for the year 1996, Water Authority "Undertaking" Law	11	36	11/02/1996

Charts of Laws in the PLC

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued
1/96/M	Basic Law	Minister of Justice	5/5/96	8/5/96	8/5/96	10/07/96	1/9/96	17/09/97	02/10/97	04/10/97	
2/96/C.M	Election Law For The Palestinian Local Councils	Council of Ministers	20/03/96			22/08/96	10/10/96	01/12/96			16/12/1996
3/96/C.M	Civil Service Law	Council of Ministers	8/5/96	8/5/96	8/5/96	7/11/96	29/01/97	03/06/97		04/06/97	28/05/98
4/97/C.M	Palestinian Local Organizations	Council of Ministers				04/02/97	12/02/97	02/07/97	14/07/97	21/07/97	12/10/97
5/97/C.M	General Budget Law 97	Council of Ministers	15/03/97	15/03/97	15/03/97		27/05/97				27/05/97
6/97/C.M	Monetary Authority Law	Council of Ministers	08/05/96	08/05/96	08/05/96	27/03/97	11/04/97	30/6/97		15/12/97	16/12/97
7/97/C	Regulating Foreigners' Ownership of Real Estate	Legal Committee	16/06/97	16/06/97	16/06/97	16/06/97	30/06/97	30/09/97		04/10/97	
8/97/C.M	The General Commission of Petroleum and Minerals	Council of Ministers	19/04/97			15/07/97	18/09/97	25/11/97		07/12/97	
9/97/C	Bar Association	Legal Committee	09/07/97	10/07/97	10/07/97	14/07/97 (postponed 28/7/98)	01/12/98	06/01/99	06/04/99	19/04/99	24/06/1999
10/97/C	Budget and financial affairs regulation Law	Budget Committee	30/04/97	19/03/98	19/03/98	19/03/98	02/04/98	14/04/98		20/04/98	03/08/98
11/97/C.M	Livestock Protection Law	Council of Ministers	11/04/97	30/09/97	30/09/97	13/10/97	14/10/97	10/12/97		09/03/98	02/11/98
12/97/C.M	Political Parties	Council of Ministers	24/01/97	30/09/97	30/09/97	10/11/97					
13/97/L	Rehabilitation and Correction Centers	Oversight Committee	20/11/97			25/11/97	02/04/98	28/04/98		02/05/98	28/05/98
14/97/C	Judiciary Law	Legal Committee	08/06/97			12/11/97	25/06/98	02/09/98	25/11/98	05/12/98	
15/97/C.M	Local Organizations Development Bank	Council of Ministers	11/04/97	30/09/97	30/09/97						
16/97/C.M	Veterinarians Law	Council of Ministers	27/03/97	30/09/97	30/09/97						

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued	C#
17/97/C.M	Civil Defense Law	Council of Ministers	11/04/97	30/09/97	30/09/97	25/11/97	08/01/98	31/03/98		20/04/98	28/05/98	
18/97/C.M	Firearms and Ammunition Law	Council of Ministers	19/04/97	30/09/97	30/09/97	25/11/97	07/01/98	02/04/98		20/04/98	20/05/98	
19/97/M	Non-Government Organizations	PLC Members	13/10/97	13/10/97	13/10/97	09/12/97	30/05/98	30/07/98	25/5/99	12/08/99	16/01/00	
20/97/M	Investment Law	PLC Members	10/11/97	10/11/97	10/11/97	09/12/97	19/03/98	14/04/98		20/04/98	23/04/98	
21/97/M	Commercial Agencies Law	PLC Members	10/11/97	10/11/97	10/11/97	09/12/97	07/01/99	20/04/99	24/06/99	15/07/99	16/01/00	
22/97/C.M	Establishment of the Palestinian Rural Development Center	Council of Ministers	19/04/97	30/09/97	30/09/97		18/08/98 Returned to Executive Authority					
23/97/M	Support Families of Martyrs, Prisoners of War and Injured	PLC Members		30/09/97	30/09/97	28/07/98	19/08/98 Submitted for First Reading, and Returned to Committee for Review					
24/97/C.M	Public Gathering Law	Council of Ministers	27/03/97	30/09/97	30/09/97	28/04/98	20/08/98	25/11/98		19/12/98	28/12/98	
25/97/C.M	Jewelry Monitoring and Hallmarking	Council of Ministers	17/03/97	30/09/97	30/09/97	25/11/97	09/12/97	17/03/98		24/03/98	28/05/98	
26/97/C.M	Mayor's Appointment Law	Council of Ministers	11/04/97				02/07/97 Rejected					
27/97/C.M	Natural Resources Protection Law in Gaza	Council of Ministers	19/04/97	30/09/97	30/09/97		30/09/97 Returned to Executive					
28/97/M	National Service	PLC Member	31/08/97	19/03/98	19/03/98	27/05/98						
29/97/C.M	Quotations and Tendering Regulations	Council of Ministers	13/07/97	19/03/98	19/03/98	27/05/98	Has Been Divided Into Two Separate Laws: 1) Public Procurement 2) Public Works					
29/1-97 C.M	Public Procurement Law	Council of Ministers	13/07/97	19/03/98	19/03/98	27/05/98	14/07/98	18/08/98		14/09/98	02/11/98	
29-2/97 C.M	Public Works Law	Council of Ministers	13/07/97	19/03/98	19/03/98	27/05/98	01/09/98	25/11/98	09/06/99	27/06/99	28/12/99	
30/98/C.M	Natural Resources	Council of Ministers	24/01/98	19/03/98	19/03/98	28/04/98	19/08/98	05/11/98		05/12/98	24/01/99	
31/98/C.M	General Statistics	Council of Ministers	24/01/98	17/03/98	17/03/98	17/03/98	29/03/2000					

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued	C#
32/98/C.M	Industrial Free Zones	Council of Ministers	24/01/98	17/03/98	17/03/98	17/03/98	29/07/98	18/08/98		09/09/98	02/11/98	
33/98/M	Welfare and Rehabilitation of Disabled	PLC Member	10/03/98	19/03/98	19/03/98	18/08/98						
						05/11/98 The law was merged with the Access of disabled to public facilities, and became "Rights of Disabled Law "						
34/98/C.M	Budget 1998	Council of Ministers	27/01/98	31/03/98	31/03/98	28/04/98						
							RATIFIED ON 29/06/1998					
35/98/C.M	Civil Status Law	Council of Ministers	25/07/98	29/07/98	29/07/98	11/11/98	12/11/98	08/12/98	21/04/99	10/05/99	08/06/99	
36/98/C.M	Environment Law	Council of Ministers	16/05/98	17/05/98	17/05/98	18/08/98	27/05/99	06/07/99	-	05/08/99	28/12/99	
37/98/C.M	Palestinian Higher Education Law	Council of Ministers	16/05/98	17/05/98	17/05/98	27/05/98	13/07/98	30/07/98		19/08/98	02/11/98	
38/98/C	Palestinian Labor Law	PLC Education Committee	08/03/98	10/03/98	10/03/98	27/05/98	24/12/98	27/10/99	29/03/2000	02/04/2000	04/05/2000	
39/98/C	Governmental Health Insurance Law	PLC Education Committee	20/05/98			27/05/98				05/11/98 postponed to be submitted as part of the Public Health Draft law		
40/98/M	Disabled Rights Law	PLC Members	16/03/98	19/03/98	19/03/98	27/05/98	06/11/99	16/03/99	25/05/99	02/06/99	09/08/99	
41/98/C	Income tax law	Budget Committee	18/10/98	20/10/98	20/10/98	21/12/98						
42/98/C.M	Citrus Law	Council of Ministers	25/10/98	05/11/98	05/11/98					08/12/98 postponed		
43/98/C.M	Banking Law	Council of Ministers	25/10/98	05/11/98	05/11/98	08/12/98						
45/98/C.M	Rations Law	Council of Ministers	04/11/98	10/11/98	10/11/98	01/12/99						

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued	C#
46/99/M	Copyright "Authors" Law	Members	01/03/99	16/03/99	16/03/99	01/12/99						
47/99/M	Publication Law	Member	13/03/99	16/03/99	16/03/99	25/05/99 rejected						
48/99/C.M	PA General Budget for 99	Council of Ministers	05/04/99	05/04/99	05/04/99	It's been announced that Chairman Yasser Arafat retrieved the budget on 09/06/99						
49/99/C.M	Traffic Law	Council of Ministers	19/04/99	20/04/99	20/04/99	23/06/99	16/12/99	15/02/2000				
50/99/C.M	Amendments to Jewelry Monitoring and Hallmarking Law	Council of Ministers	19/04/99	20/04/99	20/04/99							
51/99/M	Palestinian Medical Council	Member	25/04/99	11/05/99	11/05/99	25/05/99 postponed						
52/99/C.M.	Regulating trade and handling of agricultural insecticides	Council of Ministers	16/06/99	24/06/99	24/06/99	01/12/99						
53/99/C.M.	Arbitration	Council of Ministers	16/06/99	24/06/99	24/06/99	06/07/99	23/11/99	03/02/2000		22/02/99	--/04/2000	
54/99/C.M.	General Budget for 99	Council of Ministers	13/07/99		14/07/99		RATIFIED ON 12/08/99					
55/99/M	Palestinian Specifications, and Standards	Members	21/07/99	14/10/99	14/10/99	01/12/99	16/02/2000					
55/99/C.M.	Penalty Procedures Law	Council of Ministers	22/07/99	14/10/99	14/10/99	27/10/99	15/02/2000					
57/99/C.M	Farmers compensation Fund against nature disasters	Council of Ministers	3/8/99	14/10/99	14/10/99	01/12/99						
58/99/C.M	Consular Fees	Council of Ministers	3/8/99	14/10/99	14/10/99	01/12/99						
59/99CM	Water	Council of Ministers	31/08/99	14/10/99	14/10/99	01/12/99						
60/99/M.O	PA General Budget for the Fiscal Year 2000	Council of Ministers	7/11/99	17/11/99	17/11/99	26/01/2000						
61/99/M	Amendment to the Bar Association Law	Member	18/11/99	18/11/99	18/11/99	25/11/1999						27/11/99
63/99/M.O	Social Insurance Law	Council of Ministers	02/12/99	14/12/99	14/12/99							28/12/99

#	Proposal	Submitted By	Date	Date of Submission	Date of Referral	General Discussion	First Reading	Second Reading	Third Reading	Date of Referral	Issued	C#
64/99/C	Prohibition of Torture Against Detainees	Oversight Committee	19/12/99	30/12/99	30/12/99							
65/2000/M.O.	Public Health	Council of Ministers	26/01/2000	03/02/2000	03/02/2000	12/03/2000						
66/2000/M.O.	Civil Procedures Law	Council of Ministers	26/01/2000	03/02/2000	03/02/2000	03/02/2000						
67/2000/M.O.	Amendment to Judiciary Law	Council of Ministers	26/01/2000	03/02/2000						05/02/2000		

Norwegian Support to Palestinian Civil Society and the Rule of Law: A review

This review recommends future directions for Norwegian support to civil society and the rule of law in the Palestinian Territory. Assessing the current situation in the area it reviews recent initiatives undertaken by other bilateral and multilateral donors focusing both on the application of legal principles in Palestinian institutions, and conditions for the Palestinian non-governmental sector. The report identifies segments of civil society instrumental in the promotion of the rule of law, and outlines key considerations that should serve as guidelines for future support.



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