

**The
Lebanese Parliament**

**United Nations
Development Programme**

**Symposium on
Arab Parliamentary Development**

Beirut, 16 - 18 May 2000

Summary Report

**Under the supervision of
The Lebanese Center for Policy Studies**

Upon an invitation from the United Nations Development Program (UNDP) and the Lebanese Parliament and with the academic support of the Lebanese Center for Policy Studies (LCPS), a forum was held in Beirut between May 16-18, 2000 on "Developing Arab Parliamentary Work." Over the 3-day period of the forum, forty-five élite parliamentarians from 10 Arab countries, in addition to a number of academicians, specialized researchers in political science, jurisprudence and parliamentary affairs, met together.

The forum's deliberations focused on four main themes which included studies about: Systems of Arab parliaments, their legislative functions, their monitoring roles and the prospects of their development. The deliberations also covered an additional theme on the role of women in Arab parliaments and political work generally. A principal study was presented on each theme which was followed by a number of comments and discussions by the participants.

The four principal studies of the forum adopted, in general, the comparative method in presenting the papers. Furthermore, they concentrated on a number of Arab parliamentary experiments with regard to the legal frameworks, the current parliamentary performance or the means to the development of parliamentary work.

First Theme

Systems of Arab Parliaments

The paper on this theme conducted a comparative study between the legislative systems of 17 Arab countries, using audio-visual demonstration aids for this purpose. The study pointed out the existence of three constitutional powers in all Arab countries: Executive, legislative and judiciary. It also mentioned that the separation of powers is obvious in most Arab constitutions while in some constitutions, this separation is not strictly observed. In the latter case, certain legislative tasks, such as the ratification of laws, were solely entrusted to the head of state exclusively or in conjunction with the legislative council (parliament) on condition it had the head of state's approval.

In Saudi Arabia, Qatar and Oman, the head of state is the legislator par excellence while Majlis Al-Shura (Consultative Council) has no legislative powers and its role is limited to giving advice on legislative matters. In the UAE and Bahrein, the head of state shares with the legislative council (parliament) the legislative duties. No law is issued without the council's ratification.

Most Arab countries have charged the executive power, specifically the head of state, with the right of issuance and publication of laws. Furthermore, all the Arab countries permit the head of state to issue laws by decree, thus sharing, within conditions, in the legislative process.

The executive power in all Arab states consists of the head of state and the government. While the executive power in some Arab states is exercised without the intervention of the legislative power, in others it is exercised in conjunction with the legislative power by the electoral process, declaration of allegiance (mubaya'a) or consultation.

Moreover, the Arab states' constitutions stipulated the existence of independent judiciary powers which consisted, in general, of judiciary mechanisms and of constitutional judiciary bodies. Some constitutions, however, relied on constitutional councils and a supreme court for the impeachment of heads of state and ministers as it is in Tunisia, Morocco and Lebanon, while other constitutions relied solely on constitutional councils as it is in Bahrein, Kuwait, Egypt and Sudan, while still other constitutions relied on the supreme court only as it is in Yemen, Syria, Algeria and UAE. In contrast, the constitutions of other states failed completely to adopt constitutional councils or a supreme body for the impeachment of heads of state and ministers.

Furthermore, all Arab states created independent legislative bodies that are visible in their structure and duties despite the difference of these duties between one Arab State and another.

The legislative power in most Arab states is vested in one legislative chamber or council, which took a different name from one state to another, that exercises the role of parliament while, in other states, this power is exercised by two chambers or councils: Parliament and Senate, as is the case in Oman, Jordan, Lebanon, Egypt, Algeria and Morocco.

It is to be noted here, however, that the Senate in Lebanon has not been established despite its adoption by the constitution in line with the Taef Accord.

PARLIAMENT

In general, the administrative bodies of Arab parliaments consist of speaker, vice-speaker, parliament's bureau and parliamentary committees. In some states, such as UAE and Egypt, an additional body, the parliamentary branch, was introduced whose basic duty is to coordinate relations with Arab and world parliaments. Most Arab states introduced a body called

parliament's secretariat - general whose task is to supervise the administrative activities and the recording of the minutes of meetings.

On the other hand, most Arab states established bodies that are independent from parliament, but linked to it, such as the central audit office which took a different name from one state to another. In contrast, in Egypt a post was established called "the socialist public prosecutor" whose duty is to take measures that would safeguard people's rights, the security of society and its political order and the preservation of socialist principles.

The presidency of parliament in Arab countries consists of the speaker and vice - speaker. The method for the selection of the speaker differs from one Arab State to another. In some cases, he is elected; in others, he is appointed. In some cases, he takes the oath of office before the members of parliament; in others, he takes the oath before the head of state. Also, the speaker's term of office could be that of the parliament's term or it may not be so.

The speaker's duties have been divided in the study into administrative, organizational and constitutional duties. Moreover, there are three Arab countries - Yemen, Egypt and Tunisia - where the speaker exercises the powers of the head of state should that post become vacant.

As for parliamentary committees, Arab parliaments have adopted the procedure of establishing specialized committees charged in general, with the task of preparing the parliament's groundwork. In this situation, the parliamentary committees came to occupy an important and effective position in the activities and deliberations of parliaments. These committees have been divided into permanent committees chosen from the MPs, or temporary or ad hoc committees set up when necessary.

The total number of parliamentary committees mentioned in the texts of Arab parliaments is 102 committees. It is clear from comparing these committees that there is agreement among the Arab countries as far as the fields and domains of these committees are concerned, despite the difference in the names given to them.

Finally, the order of meetings of the parliamentary committees differs from one Arab country to another. There are closed or in camera sessions and there are public or open sessions. There is also the question of the quorum of these sessions. Some adopt the principle of absolute majority while other adopt relative majority. Voting could also adopt either the absolute or relative majority principle.

PARLIAMENTARY MEMBERSHIP

The study deals with the issue of membership in Arab parliaments through eight variables: acquisition of membership, loss of membership, parliamentary immunity, an MP's job rights,

prohibitions imposed on an MP, duties of MPs, contestation of membership, and the parliament's term.

Acquisition of membership may be gained through election or appointment. Three Arab states - Oman, Saudi Arabia and Qatar - practice the appointment of MPs. In Oman, MPs are selected from notables from the provinces. In UAE, they are selected from each emirate in accordance with the laws stipulated by the em. In Egypt, the constitution allows the head of state to appoint ten MPs while the Sudanese constitution allows the appointment of one MP, should a parliamentary seat become vacant.

The distribution of parliamentary seats according to the Arab electoral systems is done on the basis of geographic distribution of the electoral constituencies. In Egypt, a different social criterion for the distribution of parliamentary seats was adopted as it allocated half the parliamentary seats to farmers and workers. In Lebanon, the sectarian criterion for the distribution of parliamentary seats, in addition to the geographic distribution, is followed.

As for the loss of a parliamentary seat, some Arab states follow the procedure of waiting for the expiry of the term of parliament in order to refill the vacant seat; other states refill the seat once it has become vacant.

The term of Arab parliaments ranges between 3 and 6 years. Some states - like Bahrain, Oman, Kuwait, Jordan, Palestine, Algeria and Syria - allow the extension of parliament's term.

As for the dissolution of parliament, some Arab states entrusted this task to the head of state while leaving a wide margin for the justification of his decision. In Lebanon, the "new constitution" - the amended constitution - gave the authority for the parliament's dissolution to the government upon a request from the head of state in three situations: parliament's failure to convene parliament's rejection of the budget and disagreement on constitutional amendments.

Furthermore, the comparative study dealt with the MP's job rights, his compensations, and his rights in proposing laws and proposals for constitutional amendments.

On a different level, the study dealt with the issue of parliamentary immunity. It stated that most Arab states adopted the principle of immunity while Saudi Arabia and Qatar did not. As for the lifting of parliamentary immunity, some Arab states require absolute majority like Yemen, UAE, Jordan, Algeria and Morocco. On the other hand, Oman failed to incorporate a stipulation that would lay out the procedures for lifting parliamentary immunity other than the contingency of being "caught red – handed. "In Iraq, the lifting of parliamentary immunity is the exclusive right of the head of state.

Moreover, the study dealt with the issue of the job rights of MPs. It highlighted the situations when it is possible for an MP to hold a public office in addition to his parliamentary seat, namely holding a parliamentary seat and a ministerial portfolio.

Also, the study dealt with electoral tasks. In this respect, it reviewed the electoral and nomination functions that Arab parliaments perform. It stated that in two Arab states - Yemen and Lebanon - the head of state is elected by parliament; in others, he is elected directly by the people as is the case in Tunisia and Algeria and nominated by parliament as in the case in Syria and Egypt. In others, the transfer of the headship of state is carried out by inheritance or declaration of allegiance (mubaya'a) like Saudi Arabia, Oman, Kuwait, Qatar, Bahrain, Jordan and Morocco. Moreover, there are states where the head of state is elected by a special body such as the Supreme Union Council in UAE and the Revolutionary Command Council in Iraq.

As for constitutional tasks, the study stated that parliaments in the Gulf States, with the exception of Kuwait, were not granted constitutional tasks. These tasks were reserved to the head of state or to the Supreme Union Council in the case of UAE.

On the level of legislative tasks, some Arab states exclusively reserve the right of proposing laws to the MPs while others allow this right to the head of state or the prime minister.

As for international treaties which the government signs, some states permit parliament to ratify them while other states confine its role to approval.

DISCUSSIONS

The presentation of the study was followed by a round of comments and debates in which a number of participants in the forum took part. The comments and debates centered around some of the shortcomings of the study, especially those concerned with the information related to parliamentary experiments in Arab states. Moreover, they centered on the issues of democracy, Arab parliamentary coordination and the critique of parliamentary experiments. Furthermore, they broached the subject of trends and visions for the development of Arab parliamentary work.

Concerning the shortcomings of the study, a number of comments pointed out that the study has failed to be comprehensive as it overlooked to speak about the experiments of all the Arab states, especially those of Djibouti, Comores Islands and Mauritania. Some participants remarked that the study lacked some data. There was a call for the supplementation of information by all participants.

In addition, the participants surveyed some of the information related to the parliamentary experiments of notably Jordan, Oman, Kuwait, UAE and Qatar. Moreover, some of the information mentioned in the study about these states were corrected.

Other participants reproached the study for failing to survey the electoral laws, despite the importance of these laws in embodying the concept of democracy. Others blamed the study for concentrating on comparing the changes in Arab constitutions and parliamentary by-laws at a time it was supposed to deal with parliamentary experiments as practiced by Arab parliaments in order to give a more comprehensive picture of the subject after the introduction of the implementation and practice dimensions to it.

Furthermore, the study was reproached for failing to deal with the subject of parliamentary blocs as they demonstrate that parliaments are not the parliaments of single individuals but parliaments of programs, plans and options. It has been noted that the single individual in parliament, no matter how powerful he may be, does not possess the power of a political bloc which focuses on a clear agenda and methods of operation.

Other participants noted the absence from the study of any reference to the oversight role of Arab parliaments. Moreover, the study gave no reference to the priority of legislation between the MP, government or the head of state. Also absent were the other monitoring procedures related to the manner of asking questions and the gradual advance of monitorial procedures. In addition, the study dealt with the subject of committees from the numerical and statistical angle and it did not deal with the fields which legislative committees specialize in.

At a time when the study spoke of the MP's duties, it did not refer to the problem of absenteeism of MPs and the problem of following up the deliberations in parliament. Also, it failed to refer to the suitability of the MP.

On the other hand, the debaters put on record some observations about the study. There was consensus that the study was characterized as being thoroughly descriptive and documented, and lacked an analytic dimension. It could serve as a general framework for the forum because it includes the subjects of the other themes. In addition, it represents a serious attempt to monitor legislations and the internal systems of Arab parliamentary councils.

This comparative study should have dealt with the foundations from which Arab parliaments have drawn their model. These foundations are three: the Sharia or Islamic law and the Anglo - Saxon and French systems of legislations. The states which were subjected to British colonial rule drew the foundations of their parliaments from the Anglo - Saxon systems and the states that were subjected to French colonial rule followed the French example in setting up their parliaments.

In contrast, some participants saw that this study is mainly a framework to the themes that will be dealt with by the forum. Hence, it was not required to present an analytic reading that goes beyond the descriptive side of the topics it has raised. Furthermore, it represents a preliminary project for a data base on Arab parliaments. Therefore, it was suggested that the study be distributed to all the participants in the forum and to be published on the Internet in order to be reviewed by parliamentarians and specialists in parliamentary affairs in the Arab countries to allow them to participate in supplementing its shortcomings.

On the other hand, the debates included a set of suggestions which aimed at developing parliamentary work and coordinating Arab efforts in this respect. Consequently, emphasis was put on the idea of an Arab parliamentary databank which would provide information services to Arab and non - Arab researchers and parliamentarians. Some proposed seriously the possibility of establishing an Arab parliament. This proposal requires more profound thinking and presupposes the initiation of action by the Arab Parliamentary Union to undertake the necessary preparation in this domain.

Some participants spoke highly of the high degree of coordination among Arab parliamentarians during the International Parliamentary Conference. They expressed their optimism for greater opportunities of coordination among Arab parliaments.

Second Theme
The Legislative Functions
of
Arab Parliaments

The study presented under this theme dealt with the legislative functions of Arab parliaments in each of Egypt, Lebanon, Kuwait, Morocco and Yemen. Each case was dealt with separately.

EGYPT

This section sheds the light on the legislative performance of the Egyptian People's Council or parliament between 1990 and 2000. It begins by surveying the role of government and parliament in the legislative process. It then surveys parliament's legislative activity during the current or seventh legislative cycle.

Article 86 of the Egyptian constitution specifies two basic functions for the People's Council or parliament: Legislation and monitoring. However, the legislative role failed to remain a

monopoly of parliament as the role of the executive power in legislation grew gradually in the issuance of bills of all kinds and the proposal of laws.

The role of parliament figures prominently in the passing of laws as they move through the various stages of the legislative process: Proposition, preparation, formulation, study and ratification of laws. The proposition of laws is a fixed right of parliament as stipulated in article 109 of the 1971 constitution's: "The president of the republic and each member of the People's Council have the right to propose laws."

However, the President role in this respect is distinct from that of MPs. The bills proposed by the president are called "draft laws" while those presented by MPs are called "law proposals". Moreover, bills proposed by the executive power have priority over those presented by MPs. Furthermore, bills proposed by the executive power are directly referred to a parliamentary committee to examine them and give a report about them while a "law proposal "presented by an MP, before it is referred to a specialized committee, is sent first to a special committee -the proposal and complaints committee- that would decide its suitability to be reviewed by parliament.

While the draft laws that are rejected by parliament may be re-introduced in the same legislative period, the law proposals cannot be presented again during the same legislative period.

After referring a draft law or a law proposal to the committees, it is then debated in a meeting of parliament to be attended by a majority of MPs in order to be legally valid.

The president of the republic has the right to accept or reject a bill. However, should the president fail to act within 30 days, the bill becomes law and is issued as such.

The president's legislative role becomes evident through his right to take decisions that have the force of law when parliament is not in session, and in case developments, that cannot be delayed, require swift measures. However, parliament should review these decisions fifteen days after their issuance if parliament is in session or in its first meeting in case of its dissolution or cessation of its meetings. If these decisions are not presented to parliament before the deadline or if they are presented to parliament and rejected by it, they lose their power as laws.

The president of the republic enjoys the prerogative of ratifying treaties with the stipulation that parliament must approve peace, alliance, commercial and navigation treaties and all treaties that entail modification of national territory or those related to sovereignty rights or those that entail financial burdens on the national treasury as stipulated in the budget.

Then the study surveys the legislative activity of the Egyptian People's Council (parliament) during the two-legislative periods 1990-1995 and 1995-2000. It attempts to underscore these

activities through a survey of the draft laws, law proposals, decrees, treaties and agreements that parliament has reviewed.

The legislative activity of the Egyptian parliament during the sixth round from 1990-1995 was characterized by special features that began with the initiation of economic reform in Egypt on the one hand and coincided with the Gulf War and Madrid Conference on the other.

As for the draft laws considered by the People's Council, the Council debated and approved during the sixth legislative cycle 921 draft laws of which 192 were diverse laws and 729 were financial and closing account laws. In other words, the economic domain occupied the largest part of these laws.

It is to be noted that during the five rounds of meetings in the sixth legislative cycle, the draft laws included several proposals that concentrated on the necessity of taking into consideration the social dimension and to avoid the side effects of the economic reform policies.

On the other hand, the number of law proposals was 101 proposals. Parliament debated 49 of them and they mostly dealt with the issues related to syndicates, unions, tax exemption, state workers, land reclamation and consumer protection. Parliament also debated 13 decisions which dealt with the armed forces, organizing political rights, amending the regulations of the judicial power and bank secrecy. Moreover, parliament, in its sixth legislative cycle, reviewed 394 agreements.

During the seventh legislative cycle, parliament debated, in the first round of its meetings, 52 diverse draft laws, 178 financial and final budgetary accounting draft laws and 27 law proposals as well as approving one presidential decision and discussing 41 agreements.

During the first round of meetings of this cycle, draft laws concerned with economic reform, especially those that encourage investments in accordance with the liberalization policies which the Egyptian government is following, dominated parliament's deliberations. In contrast, parliament debated four law proposals only.

In the second round of meetings in this cycle, parliament debated 38 diverse draft laws, 125 draft laws of a financial and final budgetary accounting nature and 12 law proposals as well as approving three presidential decisions and discussing 36 agreements. The law proposals reflected in the second round, a great interest on the part of the MPs in addressing the legislative vacuum that could accrue due to the unconstitutionality of certain articles of some laws. Also, in this round, parliament reviewed 36 agreements and treaties.

In the third round of meetings in this cycle, parliament debated 54 draft laws, in addition to draft laws of financial and final budgetary accounting nature, 40 law proposals, 39 agreements

and four presidential decisions. Furthermore, parliament debated in this round 39 agreements of economic nature for the sake of encouraging investments.

In the fourth round of meetings, parliament reviewed 31 diverse draft laws and 128 draft laws concerned with financial and final accounting matters. In these latter laws the economic side predominated. First among them, are the trade draft law, the draft law to increase Egypt's share in the IMF, the draft law for the amendment of some stipulations of the customs law, the draft laws concerned with confronting the side effects of the economic reform policies and the NGOs draft law.

Also in the fourth round, parliament reviewed 45 law proposals. The most important among them were the law proposals concerned with the tax-value-added (TVA) law and the law for organizing the transfer of human organs and transplants. Furthermore, parliament debated four decrees and 97 agreements concerned mostly with terrorism, voluntary organizations, the development of financial markets and the social fund for development.

The parliamentary fifth round of meetings of the seventh legislative cycle, which ended in June 2000, debated until the preparation of this study, 14 draft laws. The most important laws that parliament approved were the draft law concerned with establishing some litigation procedures in personal status matters and the draft law concerned with organizing political rights.

The economic and financial matters, especially those concerned with economic reform, market liberalization policies and encouraging investments, dominated the draft laws presented to the Egyptian People's Councils (parliament) in the different rounds of the seventh legislative cycle.

In assessing the legislative experiment of the Egyptian People's Council (parliament), the study made many remarks. Most prominent among them are:

1. The imbalance between the executive and legislative powers which is due to the powers which the constitution has granted to the president of the republic. These powers entitled the president to propose draft laws that do not follow the same procedures that laws proposals proposed by MPs follow. Furthermore, the constitution allows the president of the republic to object to the laws which parliament issues, and gives him the right to propose amendments of the constitution and take decisions that have the power of law. This imbalance is exacerbated by the balance of political power within parliament itself as the ruling National Party dominates the majority of the People's Council seats.
2. The absolute prevalence of draft laws presented by the government over law proposals presented by the MPs.

3. The weakness of the legislative initiative of the MPs when exercising their right in proposing laws.
4. The speed with which parliament issues laws despite the importance of some laws that require taking time in examining them before they are approved.
5. The undertaking by parliament of an extremely important role in establishing the legislative order that paves and accompanies the economic reform process.
6. Parliament's extravagance in introducing the way for amendments to existing laws which led to "legislative inflation or explosion" and caused much inconvenience to those involved in legal matters in Egypt.
7. Parliament's approval of a number of extremely unpopular laws such as the unified professional syndicate's law, law no.93 concerned with the press and the agricultural rental law no. 96.
8. The necessity to activate the legislative role of parliamentary committees.

LEBANON

The study pointed out that the Lebanese parliament performed the role of safety valve for the civil government in Lebanon since independence in 1943. Despite the civil war and the Israeli occupation for parts of its territory, the military did not assume exclusive power as happened in a number of Third World countries.

The Lebanese constitution adopted the system of separation of powers since its issuance in 1926 and it entrusted the legislative power to parliament. Article 16 of the constitution states that "the legislative power is vested in one body, the Council of Deputies (parliament)." Article 24 of the amended Lebanese constitution pursuant to the Taef Accord states that parliament consists of "elected deputies whose number and manner of election is carried out in accordance with the election laws in force...".

The Taef Accord, which represented a project for the resolution of the Lebanese crisis and the termination of the civil war in Lebanon, introduced amendments to the constitution which extended the prerogatives of parliament. Consequently, the political system became more of a parliamentary system and not semi-presidential anymore as parliament started exercising an important role in the choice of prime minister. Furthermore, the procedure for examining urgent draft laws has also been amended thus allowing parliament more time to consider these laws. These amendments also increased the effective role of the speaker whose term became four years, co-extensive with the term of the legislature.

The Taef Accord preserved the sectarian arrangement for the election of deputies or MPs as it is and divided the number of parliamentary seats equally between Muslims and Christians until parliament introduces a non-sectarian electoral law. The Taef Accord promoted an electoral law that distributes constituencies on the basis of muhafaza (administrative province-Lebanon is divided into 6 muhafazas), but the electoral law of 1999 redivided Lebanon into 14 electoral constituencies. The new electoral law raised a broad wave of criticism among the Lebanese.

The legislative prerogatives of the Lebanese parliament do not differ from those exercised in general by other parliaments in other countries of the world. These prerogatives are legislation, the national budget and monitoring. However, the Lebanese parliament enjoys a special legislative feature concerned with constitutional amendments. Article 77 of the constitution grants parliament the right to request the revision of the constitution. This measure could be accomplished in a regular session and upon the suggestion of at least 10 MPs who would need the consent of one third of parliament's member in order to debate the proposal.

The legislative process in the Lebanese parliament passes through several stages. Laws are first proposed either as draft laws presented by government or law proposals presented by MPs. A law proposal must carry the signatures of 10 deputies. Following that, the law proposals and draft laws are debated and then voted on. The speaker refers the draft laws and the law proposals to the specialized committees to study them. After debating them, they are voted on by the raising of hands and laws that get an absolute majority of the votes of MPs, who constitute a quorum, are approved.

In the case of the retraction of draft laws and laws proposals, article 103 of the parliament's by-laws stipulates that it is not permitted to retract draft laws presented by a presidential decree before the final voting unless it is retracted by another presidential decree. However, law proposals presented by MPs may be retracted when the member presenting the law proposal addresses a written request to that effect to the speaker.

The study conducts a general evaluation of the legislative performance for the Lebanese parliament during the two cycles from 1992-1996 and 1996-2000.

During the first cycle, the study asserts that the parliament's performance fluctuated between strength and weakness vis-à-vis the government as a consequence of the parliament's weak representation of the Lebanese people and because most deputies lacked independent decision-making. However, parliament registered several important positions and performed an important role in political life at a time when Lebanon had just emerged from war. It also sought to preserve its independence the executive power when it refused all requests of the then prime minister, Rafik Hariri, to be granted the authority to issue laws by decree. This parliament distinguished

itself further in the domain of legislative practice in contrast to previous Lebanese parliaments. Out of 53 sessions held, 34 sessions were devoted to the exercise of the legislative role. Furthermore, it approved 426 laws which needed 316 hours of deliberations.

Moreover, the parliament approved 68 law proposals which represented 16% of the total number of laws approved by it. This number of laws represents a ratio that exceeds the prevalent average in most countries of the world in respect to the ratio of law proposals presented by MPs to the total number of laws approved by parliament. This demonstrates the extent of the legislative performance of the Lebanese parliament for the period 1992 - 1996 where we consider the quantity or quality of legislations. Thus, these legislations included basic issues related to the media, social security, housing, banking, the penal code, human and women's rights and the constitutional council. In addition, the parliament took a firm stand in the face of the government's repeated attempts to weaken the freedom of expression.

The study mentioned several observations on the parliament's performance for the years 1992 - 1996 made by a number of researchers and analysts. Among these observations: the decrease of the ratio of law proposals presented by MPs to the total number of laws on its agenda, the ratification of all proposed laws originating from the government without thorough deliberation for some of them and the haste in ratifying others. For example, 17 draft laws were approved in half an hour in a session on May 21, 1996 despite the loss of the quorum for holding the session.

The 1996 - 2000 parliament, the study observed, witnessed the fall of the ratio of deputies belonging to political parties: 32 deputies constituting 25% of the total members of parliament in contrast to 83 deputies in the 1992 parliament (64 % of total membership).

The study also noted that there has been an increase in the ratio of those who enjoy high educational qualifications among the MPs and pointed out that some of the present MPs are former ministers who enjoy distinctive experience and inner knowledge of government work which would strengthen the parliament's position vis - à - vis the government.

During the first two years of the parliament's term from 1996 - 1997, it held 19 general sessions, ten of which were confined to legislation and the remaining sessions were devoted to the exercise of monitoring and financial duties. This fact shows the importance that the parliament attaches to its legislative function.

During the sessions devoted to legislation, the parliament approved draft laws and law proposals out of which were 58 ordinary draft laws and 10 urgent draft laws, 13 ordinary law proposals and 15 urgent law proposals representing 29% of the total number of laws, a ratio that exceeds the world's average.

The most prominent laws that parliament approved in 1999 were the law for the protection of intellectual, literary and artistic property and the law on telephone tapping.

KUWAIT

The Kuwaiti legislative experience represents a system that is a mixture of two models: the traditional hereditary model and the constitutional parliamentary model. In addition, women are deprived, in addition to some other social segments, of their rights to participate in the political process.

The Kuwaiti political experiment favors the executive power over the legislative power. The Emir of Kuwait shares with Majlis Al-Ummah (parliament) in the legislative process in accordance with article 51 of the constitution and also in accordance with article 106 which grants the Emir the right to postpone by decree the meeting of the Majlis once for a period that does not exceed one month during the legislative period.

Furthermore, the Kuwaiti constitution does not give parliament the right to grant the government a vote of confidence upon its formation after the elections nor the right to withdraw confidence from the government when it fails to carry out its duties properly. The constitution makes the emir the arbiter to whom the Prime Minister resorts to complain of the lack of cooperation between the executive and legislative powers.

Often enough, the Kuwaiti political process witnessed the demise of the elected legislative power. Moreover, the amalgamation of the positions of crown prince and Prime Minister caused several political and legislative crises.

The Kuwaiti political system follows the one chamber principle for the legislative power. The Kuwaiti parliament consists of 50 members elected by direct secret ballot. Article 16 of the constitution stipulates that the number of ministers should not exceed one third of the number of the members of Majlis Al-Ummah, that is 16 ministers, including the Prime Minister.

The by-laws of the Kuwaiti Majlis assign three functions to itself: legislative affairs, financial affairs and political affairs.

Concerning legislation, parliament shares with the emir the right of proposing laws in accordance with article 65 of the constitution which stipulates that the emir enjoys the right of proposing, approving and issuing laws. On the other hand, article 109 gave an MP the right of proposing laws without however being able to re-propose a rejected law during the same legislative period.

The draft laws presented to the Majlis ought to be brief and accompanied by a statement justifying their proposal,

The legislative function of the Kuwaiti Majlis Al-Ummah includes debating the laws by decree which the emir issues in the absence of parliament. However, these laws are to be presented to parliament within 15 days of the date of their issuance if the Majlis was standing or in the first session in case of its dissolution or expiry of the legislative period. If they are not thus presented, they lose their power retrospectively without the need to issue a decision to this effect.

The Emir joins parliament in amending the constitution. However, amendments may not be proposed before 5 years after the constitution has been in force.

The Kuwaiti experiment demonstrates, in practice, the extent of the hegemony of the executive power. Often the emir would dissolve parliament in case of escalation of tension between them following parliament's rejection of some draft laws presented by the emir as happened in 1976 and 1986.

The Kuwaiti parliamentary experiment after the Gulf War witnessed an increasing role of the elected parliament in monitoring, questioning and requesting greater powers for the Majlis vis-a-vis the executive power.

The Majlis also raised the question of the need to revise the laws passed in its absence, especially those concerned with human rights, women suffrage (voting and nomination) and citizenship,

Furthermore, parliament passed a set of important laws concerned with educational issues, housing, independence of the judiciary and retirement. It also approved Kuwait's accession to several international treaties such as the international treaty to oppose torture and two world conventions on civil political, economical, social and cultural rights.

In the aftermath of the 1996 elections and the victory of the loyalists, Majlis Al-Ummah (parliament) lost of its influence in favor of the government. This profound change was reflected in the Majlis's performance. Consequently, no law was passed during the first legislative period despite the existence of many draft and law proposals on the parliament's agenda.

In the second legislative period, parliament passed a law on by-elections, debated the issues of employment and medical insurance, and considered establishing a special investigation committee on the spreading of drug use. In 1996, parliament also approved the amendment of the Kuwaiti judiciary law system.

The year 1998 saw a series of confrontations between government and Majlis. Consequently, the government resigned on March 16, 1998 and it was re-formed after introducing some changes. This situation prompted the crown prince to complain to the emir that governmental work is stumbling and that cooperation between government and Majlis has become impossible.

As a result, the emir issued a decree dissolving Majlis Al-Ummah on May 4, 1999 before the Majlis completing its constitutional term in accordance with article 107 of the constitution.

When the Majlis was dissolved in 1996, it still had 23 laws on its agenda. The 1996 Majlis witnessed a reduction in its productivity to half of that of the 1992 Majlis.

The 1999 Majlis, despite the fact that it did not complete its term, witnessed a confrontation with the government on the issue of the decrees passed during its absence. The government took advantage of the Majlis's absence to issue about 60 decrees, especially the one concerned with women's right on nomination to and voting in elections.

Early in August 1999, the new Majlis decto refer the controversial decrees to the specialized parliamentary committees. Consequently, the Majlis rejected all the laws issued by decree that were passed in its absence (dissolution) including the decree concerned with women's political rights.

MOROCCO

Morocco has had a parliamentary experience since the 1960s. However, this experiment in parliamentary work did not develop enough neither in its legal structure, nor in term of performance and impact. As a result, it remained below the people's aspiration for political, social and economic modernization.

In 1996, Morocco conducted a popular referendum on constitutional amendments. Consequently, parliament, according to article 36 of the 1996 constitution, came to be constituted of two chambers: the House of Representatives and the Council of Advisers. The House's term was reduced from six to five years and the Council's term became nine years with one third of its members selected every three years. Pursuant to this development, Morocco witnessed in 1997 the first parliamentary elections in accordance with the new constitution which opened the way to the opposition to reach power for the first time in Morocco's political history. For this reason, the study concentrated on analyzing the extent of parliament's effectiveness in the legislative domain.

The Moroccan parliament is the second constitutional institution in the country after the monarchy. The Moroccan parliamentary experiment does not overstep the monarchy as a hereditary system, but could be considered as one of its pillars. The Moroccan parliament was established within the framework of the monarchy by a constitution which it introduced. This fact asserts the ascendancy of the legitimacy of the monarchy with its historical, religious and constitutional background over the electoral legitimacy of the parliament.

In addition, the Moroccan parliamentary experiment included several periods of interruption when Morocco witnessed intervals of a state of emergency. Morocco has known six parliamentary phases separated by several years sometimes.

The study concentrated on some of these periods with the aim of presenting a relatively clear picture of parliamentary life of Morocco.

The first parliamentary experiment began in 1963 and ended in 1965 with the declaration of the state of emergency in the country. This parliament debated the 1964 and 1965 budgets as well as a number of political and social issues concerned with education, labor, health, the judiciary, Arabization and some foreign policy issues such as the frontiers, the Arab League and common Arab market. In this respect, the opposition played a role in proposing a number of laws related to land reform, unifying the courts, Arabizing the judiciary and the public administration, the nationalization of the sugar industry and the amendment of the press law. However, this parliament issued a limited number of laws.

The second parliamentary experiment extended from 1970 to 1971 and the third experiment from 1977 to 1984 which continued until now.

During the third parliamentary mandate from 1977-1984, the government presented 153 draft laws and parliament approved 131 of them. In contrast, the parliamentary blocs and the independent MPs presented 94 law proposals and parliament approved 14 of them only despite the importance of a number of them. Moreover, the MPs presented 149 petitions and parliament agreed to 35 of them.

In the fourth parliamentary mandate (1984-1992), the government presented 74 draft laws and the MP's presented 46 law proposals and parliament approved 4 of them only. On the other hand, parliament approved 67 petitions presented by MPs.

The legislative performance of the Moroccan parliament in three consecutive legislative periods reflected its fluctuations and relative ineffectiveness in legislation and demonstrated clearly the government's domination of legislative work.

Despite the numerous functions of the Moroccan parliament -legislative, financial, oversight, foundational and diplomatic- the substance and procedural practice of these functions are organized in a manner which deprive them of much of their value and effectiveness so as to render parliament submissive to the executive power.

The present Moroccan constitution in section 46 diminished parliament's legislative power and defined it in a very restrictive way. As if this was not sufficient, it permitted the delegation of parliament's legislative power, despite its limitation, to the government while it did not permit the government to delegate its legislative powers to parliament. In addition, the Moroccan

parliament is subject to government as far as legislative procedures are concerned in such a manner that the government is given absolute priority over parliament as far as the legislative regulations go. The government controls the parliament's agenda and it is usually given priority for debating the draft laws presented by it.

Parliament's limited legislative powers are also demonstrated in its restricted power in financial matters and in the king's legislative priority in this domain. The king's power vis-à-vis parliament renders him the legislator par excellence since he controls the course of a law from inception to implementation. Furthermore, the king reserves the right to address parliament without being questioned and to interfere in the parliamentary legislative agenda. He also enjoys the right to order the implementation of a law, to request the holding of a referendum, to dissolve parliament and to overtake parliament's powers in exceptional and transitional situations.

The study remarked, in assessing the outcome of the legislative experiment for the Moroccan parliament, that the government resorts intensively to a set of procedures that give it the right to control parliament's work and that grant it priority over the right of amendments by rejecting parliamentary amendments, especially those presented by the opposition.

However, change has appeared with the Yusufi government. More interest has been shown in political and economic matters, and to a lesser extent, in social matters.

In general, there are currently signs of a new phase that the Moroccan parliament might witness. These signs are enhanced by the internal and international democratic transformations, in addition to the increasing social pressure and the increasing rise of the level of political awareness among the citizens.

YEMEN

In conjunction with the president of the republic, the Yemeni parliament performs several functions. The most important of these functions are: nominating presidential candidates, approving laws issued by decree by the president of the republic, accepting the president's resignation, performing the president's tasks should the presidency become vacant and bringing charges against the president and senior civil servants for treason, breach of the constitution or any other action that violates the independence and sovereignty of the country.

In its relation with government, the parliament performs, among others, the following functions: 1) Grant government a vote of confidence; 2) Monitor government's actions by: giving advice and proposing topics for discussion, forming committees and requesting a parliamentary committee to find facts and examine government's executive branches either by asking questions or by interrogation; 3) Accept or reject draft laws presented by government; 4) Approve plans for

development projects, the annual budget and end of year accounts in addition to the government general policy.

In his relation with parliament, the president performs, among others, the following functions: 1) Invite electors to elect the parliament; 2) Invite the parliament to convene within two weeks of the date of the announcement of the parliamentary election results; 3) Perform legislative tasks between legislative cycles or during parliament's dissolution by issuing laws by decree; 4) Request parliament to revise a law within 30 days of its submission to it; 5) Issue the laws approved by parliament and insure their publication in the official gazette; 6) Approve the treaties and ratified by parliament and the laws its adopts and which do not become effective without this presidential approval; 7) Dissolve parliament on condition of conducting a popular referendum on the causes of dissolution.

On the other hand, government performs the following functions: 1) Propose a draft law and its amendment; 2) Issue the by-laws and regulations; 3) Hold a ministerial portfolio in conjunction with membership in parliament.

To a large extent, the Yemeni parliament enjoys great powers. It elects the 5-member presidential council, gives or withholds confidence from government, votes laws and reserves the exclusive right of law making. This renders the Yemeni political system a parliamentary one with two branches of executive power.

In 1990, the Yemeni parliament established 17 committees and they increased to 19 committees in 1997. These committees performed the greater part of the legislative and oversight roles of parliament, but the legislative role had the greatest share. The scrutiny role of the Yemeni parliament remains limited.

In principle, the Yemeni parliament performs three functions: political, financial and legislative.

The legislative function constitutes the fundamental role of parliament and legislations pass through three stages: Proposition, debating and voting and finally approval and issuing of law. According to the constitution, each draft law presented by government is referred to a specialized parliamentary committee for examination and this committee presents a report about it. On the other hand, a law proposal by MPs is referred to a special committee that considers its lawfulness before it is referred to a parliamentary committee. Furthermore, a rejected law proposal may not be presented a second time in the same legislative cycle while a draft law presented by government may be considered a second time in the same legislative cycle.

The study then deals with the legislative role which the first parliament, after unification, performed between 1990-1993. This parliament represented the transition period in the

unification process of Yemen. It consisted of the 270 former MPs of North and South Yemen, in addition to 31 members appointed by the presidential council of united Yemen. This parliament sought to legislate for a united state. It actually adopted a number of key legislations which organized the political and social life in Yemen, debated a number of economic and political issues and approved several international and bilateral treaties. Two major achievements of the transition period were parliament's commissioning of the presidential council to hold a popular referendum on the constitution on May 15 and 16, 1991 and appointing the supreme elections committee which made the necessary preparations for parliamentary elections on April 27, 1993. Consequently, the elections took place by direct, free, and general secret ballot, under the umbrella of a pluralistic party competition.

The new parliament was given back the functions suspended by article 7 of the declaration of the united Republic of Yemen, namely the nomination and election of members of the presidential council; commissioning the presidential council to continue performing its tasks in exceptional cases when it is not possible to hold elections; acceptance or rejection of the resignation of the president and members of the presidential council; approval of constitutional amendments.

The end of the transition period witnessed the election of a new parliament in 1993 which remained in power until 1997. This parliament accomplished much despite the challenges that accompanied its tenure, especially the secession crisis of 1994. Despite the constitutional amendments that followed this crisis which strengthened the presidency at the expense of parliament, parliament preserved a power balance vis-à-vis the presidency.

On April 27, 1997, parliamentary elections took place the new parliament, however, succeeded in accomplishing a modest number of legislative decisions of its own in comparison with what the government succeeded in promulgating by presidential decrees and parliament failed to reject any of them despite the constitutional powers vested in it.

Finally, the study points out a number of general results for a number of cases. The most important of them are: 1) The constitutional framework for these cases consecrates, in one way or another, the dominance of the legislative power over the executive power; 2) There is a clear political imbalance in some parliaments, considered by this study, because of ruling the majority party, which represents the government, has the upper hand in legislation; 3) The representative base from which the Arab legislative councils emanate is restricted in some cases because of the electoral laws which deprive certain social segments-like women in Kuwait- from participation in the electoral process as a whole; 4) There are circumstances external to the legislative institution which affected some these parliament experiments, and led to the complete absence of from the

political arena; during certain periods; 5) Parliamentary elections may be conducive to the arrival of conservative elements who adopt a [political] behavior that is hostile to the essence of democracy and is natural product of traditional political and cultural upbringing and social conditions; 6) There is a clear preponderance of government draft laws over laws proposed by MPs.

DISCUSSIONS

Within the framework of the comments and debates that followed the presentation of the study, one remark was made by more than one researcher concerning the application of the comparative method in the study. The study has considered five different cases each representing in itself an independent investigation which reduced the sharpness of the comparison required. Moreover, the study should have made direct comparisons with democratic systems in general in three domains: elections, party laws and publication and press laws.

On the other hand, one of the debaters pointed out that the researcher should have, for the sake of reliability, followed the same method in evaluating the parliamentary experiments of different Arab countries. Another participant criticized the study for neglecting the role of parliamentary committees in the legislative process because their role has shrunk greatly despite the fact that they constitute an integral part of most Arab legislatures.

Still another participant saw that the study was not based on a solid frame of reference especially in the preamble that paved the way for the cases under study. To speak of the legislative functions of Arab parliaments in general does not make sense except by specifying the political system in force in the Arab states under study. The question is not that of legislative functions in general or the role of the executive and the legislative powers; rather, it is the question of the political system in force. The presidential system is one thing and the parliamentary system is another thing, and each requires a different methodology for its evaluation.

Furthermore, one participant commented on the priority given to draft laws presented by government at the expense of law proposals presented by MPs, especially in the case of the Egypt. He said that it is not necessary that a law, because it is presented by government, be more complete or better. Other participants pointed out that this priority given to draft laws is an international and not only an Arab, trend. The draft laws presented by governments overstep law proposals presented by MPs because the executive power is better equipped than parliaments. In effect, the executive power can enlist the assistance of experts and senior civil servants.

Therefore, Arab parliaments must develop their capacities, modernize their working methods and techniques, enlist the aid of experts and develop their knowledge base.

One other participant pointed out that it is not the problem who is the source and origin of legislations, the government or the elected MP, but the problem is with the extent to which government is representative of the people whether it has received a majority of the votes of MPs honestly elected or not.

Consequently, the relation between the legislative and executive powers occupied a broad part of the discussions. One participant pointed out that the relation of government to parliament and who has precedence entail looking at it from the perspective of popular representation and how democratic is the choice of the people's representatives.

On the other hand, one participant pointed out that there is a political dimension to the dominance of draft laws over law proposals. Often law proposals are presented by the opposition MPs and not by the pro-government MPs. In the same context, another participant pointed out that the study presents Arab parliaments as strong supporters of Arab governments and that the initiative of parliaments is still minimal despite the big talk of constitutions about the separation of powers. It seems that Arab legislative councils have surrendered many of their rights and functions to Arab governments.

One participant praised the study for what it said about the dominance of the executive power over the legislative power. He said that the political imbalance in some Arab parliaments and the difficulties in electing representatives of a diversity of constituencies and viewpoints have weakened parliamentary performance. Furthermore, the domestic and international political situations have negatively affected the legislative role of parliaments.

Another participant said that if we wish to develop parliamentary work we must strive, along with political parties, to attract the educated and intellectuals to the ballot box in order to raise the standard of the concerns and demands of electors who determine the MP's slogans and activities. In the final analysis, an MP is directly related to his electors whose concerns on the whole, are local and never national while those of the educated are national. However, intellectuals are not the segment of society that represents the greatest weight among electors.

Others viewed legislative and oversight performance of Arab parliaments as an issue that is closely connected with the degree of realized democracy. Without democracy, we cannot possibly and genuinely activate the legislative and oversight functions. In contrast, other participants pointed out that democratic progress in some Arab countries has not been reflected enough in the legislative process.

In addition, the discussions dealt with some concrete obstacles confronting legislatures. These obstacles essentially lie in Arab parliament's rules of procedure despite the fact that Arab constitutions have given MPs their full legislative rights. They also have to do with the haste with which legislations are approved when they were supposed to be studied thoroughly in view of their extreme importance. Many laws are incomplete and consequently their constitutionality could be contested. As a result, the MPs lose part of their credibility as legislators in the eyes of the public.

One participant inquired about the reasons for the existence of the two-chamber parliaments in some Arab countries and the criteria used in determining the term of the presidency, division of constituencies or the number of MPs in relation to the population. The participant pointed out to the absence of rational criteria governing these decisions. He explained that the two-chamber parliament in Morocco, for example, has contributed to the inhibition of legislative productivity.

The discussions were concluded by some opinions and expectations for the future. There was an almost unanimous agreement on a number of common issues and general recommendations. Arab parliaments ought to be more effective especially in the contemporary world that is becoming more developed and complex and is making the legislative process difficult in technical, scientific financial and other matters. This requires parliament to be better informed and prepared.

Furthermore, parliaments must be more representative. This entails having a just and fair electoral law and active national parties as well as the prevalence of a genuine democratic climate. Furthermore, the quality of legislations has hit rock bottom in most Arab parliaments. Laws are hastily passed without serious debate. Moreover, legislations can only mature in an atmosphere of broad discussions within parliaments, and on the level of public opinion and state institutions. In addition, the legislative process cannot fully develop if parliaments do not rehabilitate the political process by bridging the gap between the citizen and politics.

One other participant saw that the discussions about developing parliamentary work must focus on three objectives: contribute to the creation of a democratic culture, freedom and the mechanism for the transfer of power; respond to people's aspirations and address the challenges confronting them; support Arab coordination leading to Arab unity. The following points were added to the efforts to develop parliamentary work:

1. Developing the legislative function of parliamentary work should serve a better representation of the legitimate interests the various sectors of society. Moreover, legislation should reflect the will of the people and not the will of the various security organs.

2. Moving from the monist to the pluralist form of rule and government. And consequently legislation would follow the principle that the majority rules and the minority oppose. In this case, the majority will not hesitate to use its right to rule and legislate, and the minority will not be a threat to national unity.
3. Legislation ought to serve the comprehensive development of the whole Arab world, individuals and countries, and not be reflection of the visions and the interests of world institutions.
4. The MP must go back to the electors when examining and reviewing draft laws before approving them.

On the basis of the above recommendations, several steps were suggested to upgrade the Arab parliamentary to attain the desired level:

1. Adopt modern electoral laws.
2. Conduct free and honest elections that guarantee the people's right to choose their representatives in a democratic atmosphere.
3. Arab parliaments have to improve a lot on the efficiency their legislative and oversight roles.
4. One of the tools for the development of Arab parliamentary work could be the establishment of close ties between the Arab League and the Arab Parliamentary Union.

Third Theme

The Oversight Role of Arab Parliaments

The study sets two conditions that must be fulfilled in order for the oversight institutions to perform their role as required. The first concerns the parliaments themselves: their power, ability and desire to monitor the executive power. The second concerns the prevailing political education; the citizen's view of parliament; the circumstances surrounding parliamentary elections as a tool of participation in democratic life; the political parties' role in developing the democratic process and the transfer of power.

The first section of the study attempted to lay the groundwork for the circumstances of the development of the monitoring role of parliaments by reviewing the most prominent political and technical developments in the world and their impact on enhancing the role of the legislative power. As for the political developments, the study noted the spread of democratic parliamentary

systems in an increasing number of the world's countries. The number of these countries rose from 66 in 1988 to 99 in 1993 and to 117 in 1998. The democratization of these countries was accompanied by a parallel development, namely the application of democratic principles and more respect for human rights. Consequently, the number of "free societies" that are committed to these principles rose from 58 in 1988 to 81 in 1998. The study based these indicators on the criteria of the American association, "Freedom House".

Moreover, the study points out in this context to the collapse of the one-party model of government and the ongoing revision of the parliamentary institution as the representative of public interests and the body that monitors and corrects the performance of the executive power.

The study also referred to the technical developments in the 1990s –especially the communications revolution- that impacted strongly on parliamentary work in the world and the scrutiny role of parliaments. This revolution has facilitated communications in an unprecedented way among individuals and between the state's legislative and executive institutions. The communications revolution has been translated into new projects in several countries such as "elections by telephone" in New Zealand, "telephone democracy" in Holland or into similar project in Greece and Britain. There is also one American project, which is still under study, which calls for the establishment of information infrastructures to protect and support liberty and democracy in the world. These projects have stirred a wave of responses of support and opposition to the developments ushering in "electronic democracy".

The study however, considers that these developments, which the world has witnessed on the political and technical levels, would advance parliamentary work and the oversight role of parliament worldwide.

From this general framework, section two of the study looked at the reflection of these world developments on the Arab parliamentary experiment, and in particular, on their role in monitoring the executive power. In this context, the study reviews the Arab parliamentary monitorial tools in their legal framework, practice and impact.

Asking questions represents a monitoring tool that parliaments employ. The by-laws organize the interrogation process according to some conditions such as the necessity for the question to be brief, its subject to be coherent and not repeated, the words to be decent and not to violate the principles of the constitution.

Questions, according to a number of by-laws of Arab parliaments, are addressed in writing to the speaker, and often addressed to the Prime Minister, to the ministers or to one minister only. This procedure depends on the by-laws of each parliament.

The Arab parliaments' by-laws set the time limit for ministers to answer the questions addressed to them. These time limits vary from one Arab parliament to another. Also questions vary depending on whether they are written or oral. Some by-laws give the MPs the opportunity to comment on the government's answers to their questions. Furthermore, changing the question to interrogation or to a proposal for discussion is a right confined to some Arab parliaments and not others. However, this procedure itself is regulated by specific conditions.

In practice, there seems often to be political goals for asking questions in parliament. On the one hand, the opposition aims to shed the light on the shortcomings and the negative aspects on the government's performance. On the other hand, supporters of the government among the MPs ask questions in order to give the government the opportunity to speak about its accomplishments and to highlight its successes in running the country.

Most questions raised in Arab parliaments deal with local issues while some question the government about its performance in foreign affairs and policy. The questions directed to local issues reflect the concentration of political activity in the big cities or the capitals of Arab countries as well as the weakness of the elected local councils and their limited role.

Asking questions is considered the most widespread monitoring tool in Arab parliaments in comparison with other tools. This situation is also due to two reasons. One is constitutional. There are constitutional obstacles that impede the use of other oversight tools. Two is political. This is the numerical weakness of the opposition and the independent MPs.

Although Arab parliaments use questioning as a basic control tool, there is a great difference between these parliaments and the parliaments of developed Western countries.

In Arab parliaments, oral questions exceed written questions. This might be due to the fact that oral questions are given priority in parliamentary debates because they are transmitted by television and radio and, hence, public opinion can follow them live.

On the other hand, the answers of governments to MP questions in Arab parliaments are similar, in ratio and substance, to the governments' answers in the advanced Western parliaments. This ratio in the Moroccan parliaments for 1977 and 1981 is about 41% which is the same for the British House of Commons.

Furthermore, some participants consider that the answers of Arab governments are of a general nature and they do not furnish new information. Moreover, they avoid referring to sensitive issues especially those of a general national character. In addition, asking questions in Arab parliaments is not adequately employed in comparison with Western governments neither in term of numbers nor in term of the diversity of subjects.

Proposing a decision is another monitoring tool. It calls on the government to perform an important action that is within its function as government. This action is possible by-laws of some and not all Arab parliaments. For example, it is included in both Kuwait and Egypt, but the conditions of its use are different.

In practice, this tool is more used by MPs who support the government or the executive power. In Lebanon, for example, the parliamentary by-laws do not include this form of action. However, MPs are used to it in the form of law proposals, by reaching prior agreement with the executive power. On the other hand, Arab parliaments' experience does not show that the opposition MPs employ this tool extensively due to their limited influence.

The third tool of parliamentary monitorship is the formation of investigation committees. Often, there are two types of investigation committees: Permanent and fact-finding committees. Permanent investigation committees are classified according to specialization and they differ in number from one parliament to another; fact-finding committees are ad hoc committees formed by parliament for special purposes often upon a suggestion from some MPs, a suggestion from one of parliament's committees or by royal will.

In practice, for parliamentary committees to succeed in shouldering the tasks entrusted to them, conditions of free operation must be satisfied including adequate information and investigative powers.

Arab parliamentary investigation committees face several difficulties despite having achieved important accomplishments. Some have even dealt with quite sensitive issues. Examples of these are Jordan's experience with corruption and Lebanon's telephone tapping by some security agencies.

However, the work of committees does not always bear fruit. Some attribute this situation to the failure of these committees, especially fact-finding committees, to keep the executive power from interfering in their activities and even pressuring sometime their members.

The fourth parliamentary monitoring action is interrogation and the motion of confidence. Resort to this action is restricted by conditions that differ from one Arab parliament to another. In some cases, interrogation could be exercised by a single MP as is the case in Egypt, Lebanon and Jordan while, in Algeria, at least 30 MPs are needed in order to permit interrogation of government. On the other hand, in Lebanon a motion of confidence in a minister or the government should be requested by at least 10 MPs as is the case in Kuwait, Egypt and Jordan.

A government falls if the interrogation debate ends by parliament agreeing to a vote of no confidence.

In practice, the use of the interrogation and the motion of confidence in Arab parliaments have been extended in the 1990s. Interrogation has been employed in certain cases to obtain information about some sensitive issues like the conduct excesses of some police stations in Egypt or violations attributed to the Kuwait minister of finance. While these attempts have failed in Lebanon, Palestine and Morocco, the Jordanian parliament succeeded for the first time since the early 1960s in forcing the government to resign in 1990.

Although the use of the interrogation expanded in the 1990s in some Arab parliaments, the general tendency has been one of contraction in comparison with the resort to questioning. This is an indication of intentional policies by the executive power bent on avoiding, being interrogated under the pretext of preserving a favorable atmosphere for foreign investments in the country. Such a phenomenon is not limited to Arab parliaments and it includes parliaments in Western countries like France.

Another monitoring tool of Arab parliaments is the debate of a general issue. According to the by-laws of the Jordanian parliament, an issue is debated as a form of "exchange of opinions and consultation" between parliament and government. At least 10 MPs in the Jordanian, Syrian and Egyptian parliaments and at least 5 MPs in the Kuwaiti parliament should propose the issue for discussion. On the other hand, the government may raise an issue for discussion for the sake of sounding the opinion of parliament.

In the 1990s, Arab parliaments persisted in exercising their right in suggesting a general issue for discussion. In some instances, these sessions were transmitted live by television thus raising great interest among the public as was the case in Oman and the UAE.

These debates dealt with various issues such as government performance, crime and national budget. On the other hand, interest in sensitive issues such as national security and foreign policy was weak in some parliaments.

The debates in Arab parliaments reflected sometimes real, vital and significant differences. The profundity and the force of these debates were linked to the development of political parties and parliamentary blocs. Arab parliaments that did not have parties and blocs witnessed a contraction and weakness in the performance of parliamentarians. And in the case of the dominance of a ruling party over parliamentary life, the debates were confined in their majority to the ruling party's MPs.

The last possible action of Arab parliamentarians is criminal indictment. Some constitutions of Arab republics permit parliament to indict the president of the republic for treason, a crime or breach of the constitution as is the case in the Lebanese constitution. Furthermore, Arab constitutions grant parliaments the right to indict or question ministers or to try them.

In practice, impeaching the president of a republic is a rare event in the world and the same is true of the trial of ministers. The same situation applies to the Arab parliamentary experience as no Arab parliament proposed the impeachment of an incumbent head of state despite the occurrence of some confrontations which did not take place in accordance with the parliamentary monitoring mechanisms and tools. During the past decade, not a single criminal indictment was directed against a head of state by Arab parliaments. However, this tool was sometimes employed against some ministers. In 1992 in Jordan, the Prime Minister and two of his ministers were accused of "corruption and misuse of public funds". In this case, parliament approved the indictment of the two ministers, but not the Prime Minister.

The experiments of Arab parliaments show that indicting ministers is not an easy matter. Actually, Arab parliaments are closer to the situation of the British parliament in the nineteenth century as far as the relations between parliaments, ministers and heads of states are concerned. Ministers enjoy political and legal immunity vis-à-vis MPs in general and the opposition MPs in particular.

The third section of the study surveys some of the final conclusions on the internal situations of Arab parliaments, their powers and their ability to exercise their monitoring role.

In view of the internal condition of Arab parliaments, the study considers that a number of these parliaments are equipped with the proper legal framework to perform their parliamentary work while others suffer from lack of legislations in this respect. Moreover, a comparison of the Arab parliamentary experience with that of the parliaments of Western countries shows that the legal factor is not the decisive factor in the deficiency of Arab parliaments in performing their monitoring role.

Arab parliamentary officials attribute the cause of this deficiency to the paucity of parliaments in the necessary facilities such as the information centers, supporting technical agencies and administratively qualified personnel. In contrast, some Arab parliaments, like the Lebanese and Palestinian parliaments, have made remarkable progress in providing these facilities. Moreover, the study asserts that Arab parliaments comprise élite members with specializations and qualifications that would enable them to reasonably contribute to monitoring work if the suitable conditions, material as well as technical, are satisfied.

Arab parliamentary activity still suffers from the absence of diverse and specialized research centers that could be relied on in debate with and monitoring the government. Moreover, monitoring government performance essentially requires the collection of first-hand data from their original sources: the public administrations and departments or from those who have important information about government activities. Making this information available to an MP

requires that the MP guarantee to those who give the information that they will not be exposed to negative reactions from government.

The study also pointed out to the impediments which prevent Arab parliaments from performing their monitoring role. The most salient impediments are: 1) The dominant political culture in the Arab world. There is a prevalent feeling in most Arab countries that governments do what they wish regardless of what parliaments and citizens want. This situation affects the citizen's willingness to cooperate with parliaments in enhancing its authority to fulfill its scrutiny role. 2) Internal political conditions. The Arab region is considered one of the least democratically developed regions of the world and many Arab states do not have the political parties that could participate in activating the monitoring role of parliaments. 3) Social and economic conditions. Many Arab states suffer from the imbalance between the state and the citizenry and between governments and civil societies. Governments and states dominate the citizens and civil societies. One of the important causes of this imbalance is the contemporary expansion of state bureaucracy at the expense of civil society organizations and associations. This situation affects the role which parliaments play in political life and the exercise of their monitoring role under the hegemony of benefit-giving states which, in turn, limits society's ability to popular monitoring.

In Section Four, the study reviews some of the ideas for developing the monitoring role of Arab parliaments. These ideas include some practical steps inside and outside parliaments.

Inside parliaments, the study recommended the following steps: 1) Revision of the legal framework which define the relations of Arab parliaments with the executive power and the reduction of restrictions by the by-laws on some aspects of parliamentary monitoring. 2) Provision of MPs with assistants from among the researchers, specialized personnel and administrators. 3) Development of the work of parliamentary committees. 4) Provision of parliaments with well equipped libraries. 5) Organization of educational workshops for Arab MPs seeking to improve their monitoring capacities. 6) Holding more Arab regional forums for MPs, especially on monitoring government performance. 7) Encouraging independent MPs to form parliamentary blocs.

Outside parliament, the study recommended the following steps:

1. Developing the Arab citizen's interest in parliamentary life, and his confidence in parliamentary work and elections.
2. Enhancing the role of parties and parliamentary blocs as well as enhancing the atmosphere for a democratic transfer of power.

3. Emphasizing the role of the United Nations and the international specialized agencies in supporting the process of democratic transformation as well as developing the monitoring role of parliaments.
4. Encouraging independent civil society associations and NGOs to contribute more to general elections, to undertake to monitor government performance and to urge MPs to enhance their monitoring of the executive power.

DISCUSSIONS

In the context of the comments and debates which followed the presentation of the study, several methodological and critical observations about the study were made. Furthermore, there was an exchange of opinion on a number of issues that the study has raised: the role of external and internal factors in activating parliamentary work, the relationship of parliamentary work to the nature of the political system, political pluralism within parliament and the role of parliament in enforcing the law. However, the oversight role of parliament occupied the widest scope of the discussions.

As for the methodological observations, a participant said that the methodology followed by the writer combines the descriptive and analytical approach. The writer moves from theory to practice. He presented a general view of the subject and the international decisive developments then gave a presentation of cases from Arab parliaments.

In contrast, another critical remark was made about the study for having failed to point to the gap separating theory from practice and this is a matter that ought to be debated if the goal is to develop the monitoring role of parliaments. The dilemma of the Arab world is sometimes the presence of democracy on paper while practice rejects it. One participant noted that the problem in the Third World, in general, does not lie in theory. Rather, there is a deficiency in the role of parliament in upholding the rule of the law. In other words, parliaments do not perform a principal role whenever the law is breached regardless who is the law-breaker. In most Arab parliaments the MPs approve constitutions which grant the head of state exceptional powers that raise him above the law. This is not to be found in the prerogatives given to the president of the republic in the most presidential systems in Europe, for example.

Hence, a researcher said, we cannot arbitrarily separate parliament's role from the political systems in the Arab states. Despite the existence of several Arab political systems that claim to be founded on the parliamentary democratic system, most of these systems are patriarchal and

authoritarian. Therefore, there is an imbalance between powers which call for the activation of the role of Arab parliamentarians in restoring the balance to power-sharing as a substitute for the delusive "separation of powers". In other words, power must not be monopolized by one side whether it is the executive power, president or a political party. Consequently, the distribution of power in a system is the entry-point for Arab parliamentarians to give parliament a role in power-sharing by giving it its proper role in oversight and legislation.

Some participants said that the study has dealt with monitoring as if oversight models in the Arab world are the same, although they are different. Hence it is difficult to speak of monitoring in Arab parliaments in general because there are differences between one country and another, in accordance with the nature of the political system, and the source of authority.

Some participants raised the question why budget waking was ignored by the study although it constitutes one of the basic pillars of a parliament's function. As it is well known, parliament has a fundamental role in debating the budget and in monitoring its implementation throughout the year.

Furthermore, the debates pointed out to need to develop political pluralism and the transfer of power the Arab world. In other words, no regime, under the cover of elections, ought to stay in power for several decades. Pluralism requires a ceiling on staying in power.

In a remark about the concentration of the study on external factors in developing the role of parliament in achieving democracy, one participant said that we cannot separate internal from external factors. Moreover, we cannot rely on external developments to transfer democracy to our fatherland. Democracy in the Arab world must emanate from within. After all, democracy is not a donation and we must pay a price to realize it. Another participant said that we cannot bet on the external factors in realizing democracy because often the foreign forces have a vested interest in interfering in our Arab societies under the pretext of enhancing democracy.

Another participant mentioned that the problem of Arab parliaments lies in that they can not subject all the branches of the executive power to their monitoring jurisdiction. Certain security officials cannot be summoned by parliament for interrogation and questioning. This situation must be changed so that no official of the executive power may be exempted from questioning.

In addition, mechanisms to insure a greater monitoring role for parliament should include the right of parliament to summon for questioning officials from the public administration, who would then enjoy the protection of parliament, or the right to approve the appointment of officials in sensitive posts such as the head of control commissions or the public prosecutor.

Moreover, the discussions pointed out that the real problem does not lie in the Arab constitutions. Two basic factors impact on the monitoring capacities of an Arab parliament: political parties and an MP's performance.

No political monitoring is really possible without genuine, and not "artificial", parties. And there cannot an effective role for individual MP's unless parliament provides him with assistants who support his activities. In contrast, one participant said the existence of parliament and several political parties is not an adequate proof of the existence of democracy. Party pluralism might not be genuine when there are not political options or choices for these parties.

On the other hand, the discussions pointed out that political monitoring must be enhanced by the existence of a force other than the law, namely the power of public opinion. If parliaments do not actually rise from the people, how can they insure popular support in exercising their monitoring role. Moreover, how can we possibly request parliament, where the majority has obtained 90 or 99% of votes, to exercise political monitoring over those who fabricated that majority and rigged the parliamentary elections so that parliaments would do their bidding?

Furthermore, an MP's monitoring of government cannot actually emerge unless the MP is subject to the monitoring of the elector. This idea leads us back to the source of authority, the people. If parliament comes as a direct result of elections, these elections must take place on the basis of clear programs that the citizen can discuss and between which they can make a choice.

In addition, parliament's monitoring of government raises another problem: who appoints the government? If parliament appoints the government, then it can actually monitor it. However, if it is appointed by the head of state, then it is difficult for parliament to effectively monitor it.

Finally, for monitoring to be effective, elections must bring about a parliament that enjoys full independence and powers.

Parliament must have the authority to adopt and amend the constitution, after debating it with the people.

Fourth Theme
An Agenda to Develop
The Work of Arab Parliaments

The study discussed the potential for improving the performance of Arab parliaments in the light of the development of these institutions worldwide and in the light of the general world transformations that are bringing sweeping societal and cultural changes worldwide. The study also discussed the challenges these transformations impose in order to keep abreast of the age's developments and the trends they have generated toward the globalization of the activities of parliaments and local political experience in general.

The new develop of parliamentary work has come to occupy a more important position on the agenda of political discussions with public opinion and researchers. M, this issue is being widely covered in the printed media and the television in particular.

The study deal with three levels: institutional, technical and political, and it concentrates on three sectors: research and information, committees and training. It concludes by surveying the most important challenges to and the prospects of institutional development of parliaments.

Section One of the study surveys experiments of contemporary parliaments whether in institutional development, techniques, managements, rules of procedures or the development of committee work.

1. Concerning institutional development and techniques, the study surveys the most important developments in parliamentary work in a number of countries in the contemporary world. The study noted the following: (A) there is a dominant trend to make parliament a stronger political institution. This tendency reinforced by the nature of election arrangements, the relation between the legislative power and the government, the impact of government alliances, political parties and interest groups, the nature of the systems of parliamentary committees and the level of information diffusion. (B) There is no single and distinct model for organizing the technical division that assists MPs since the structure of the secretariat is linked to the parliamentary system that goes along with the nature of the existing political system. Moreover, there is not one model in the secretariat for organizing and dividing the technical divisions into a number of units. As a matter of fact, the number of parliamentary committees varies with the circumstances of each state. (C) The common denominator for the staff working in various parliamentary units and

divisions is the ability to use the computer well, to be knowledgeable in modern data systems and versed in the most important sources of quick and relevant information. (D) Parliamentary research services are active through the studies prepared for the committees. These studies constitute the backbone of parliamentary work. Research units could also constitute an integral part of the structural organization of the parliamentary library, the national library and the party research centers. However, the common denominator among these research services should be the strict commitment to objectivity, and the provision of various facts, figures and documents to everyone. (E) On the other hand, library services have witnessed a great development in indexing, communication between libraries and access to other sources of information, references and other libraries, locally and internationally. (F) To diffuse information, parliament has to open its doors to the public to follow the deliberations of the parliamentary sessions. Some parliaments have radio and television stations to cover parliamentary deliberations and transmit them to the public.

2. Development of parliamentary by-laws. Formally speaking, they are a set of rules that pertain to the structure of parliament's work and its main units as well as to MPs rights and duties. In fact, they are conditions and procedural rules which regulate parliamentary work. Politically speaking, they are a set of ideas, customary practices and parliamentary principles which aim at facilitating parliamentary work in order to realize a greater degree of democracy within parliament and transparency in parliament's relation with society.

In this context, the study proposes a set of ideas for the development of Arab parliamentary by-laws.

(A) By-laws organization of discussion should not inhibit the freedom of expression for all MPs or the diversity of political tendencies within parliament. (B) By-laws should be part of a more comprehensive legal order such that they legally rank third after the constitution and the laws of the land. (C) By-laws should not be rigid, but flexible enough to permit their amendment in accordance with society's economic, political and cultural developments. (D) By-laws, in organization and status, should not be complicated to the extent of creating difficulties fully comprehend them even by specialists and legal experts. (E) By-laws should not tend to treat the speaker as the overseer of MP's performance and conduct. Such a tendency is contrary to the equality of all MPs.

3. Development of parliamentary committees. The study underlines the importance of these committees in parliamentary work since they perform a number of critical functions. They allow the MPs to examine the draft laws, supervise government programs, and participate in the

legislative process. Some constitutions open the meetings of the parliamentary committees to the public while other countries keep these meetings closed.

The representation of the different political forces in the membership of the committees reflects the political balance of power within parliament. The major parties in parliament seize the majority of the seats of the committees while the smaller parties are deprived from representation all together or they are represented by a limited number of MPs. The distribution of the chairmanships of the committees among the political forces represented in parliament differs according to the countries. In Germany, committee chairmanships are distributed among the parties represented in parliament in accordance with the size of each party and in the U.S.A. the majority party seizes the chairmanship of all committees.

However, to prevent overlap confusion in the work of the committees, especially when they constitute a large number within parliament, work is divided among sub-committees or ad hoc committees.

As for the special committees, they usually act like bearing committees and some of their features make of them almost a monitoring instrument of parliament. However, the interest of Arab parliament is focused more on direct monitoring tools, especially on interrogation, because it implies a direct accusation of the executive power. Furthermore, public opinion follows the interrogation events with greater interest. On the other hand, the bearing commission does not enjoy the same parliamentary and media interest despite the fact they could represent the most important mechanism open to parliamentary monitorship, especially that they call on specialists and citizens from different background.

Section two of the study deals with some of the practical problems of the performance of Arab parliaments. Among these problems are the difficulty of dealing with the sources of official information, especially the ministries and other official bodies, on the one hand, and the difficulty of operating as a team in order to obtain the necessary detailed information, on the other. The bearing tool requires the activation of the common skills and convictions of the participants in order to bear fruit.

The study proposes several practical steps to develop parliamentary work:

I. Development of bearing committees

The study specifies that the real value of the activities of bearing committees is in the depth surveying of the various actual aspects of an issue under discussion, and not in the presentation of the largest number of issues to parliament. A bearing committee is commissioned to perform two things: First, to search for the diverse sources of official and non-official information which

would enlighten parliament on the issue under discussion as well to attract experienced and specialized persons to participate in its work. Second, the control of the investigation work of the committee is accomplished by two mechanisms: holding of a coordination meeting for MPs who are members in order to agree on a work plan and dividing the committee work into sub-committees.

2. Development of parliamentary information and research units

Information and research are the most important tools for the development of parliamentary performance among and the increase of the institutional capacity of parliaments. Despite this fact, Arab parliaments, as a whole, are in need of an information revolution. This revolution would lead to the larger use of modern technology in parliament-related information, and the acquisition of technical capabilities to store and retrieve information as well as developing systems for the management of information and for making this information available to the MPs.

Furthermore, parliamentary research activities have become a central pillar of the development of parliamentary work. These research activities are required to meet the increasing demand for parliamentary services by MPs, specialized researchers and others.

The study considers that the development of parliamentary research units in the Arab world is passing through a transitional and critical phase. These units are required today to revise their activities in issues such as the research, study and legislative services strategy, the programs, the response policies and techniques, to better meet the needs of MP's and parliaments.

In this framework, the study surveys aspects of development of parliamentary research as practiced by some contemporary parliaments:

(A) The development of the structural and administrative organization of research and information services. This development could be accomplished in three ways: Structural and organizational merger. In the Australian parliament, the library and the research units were merged in one structural organization and in Canada, the research unit was incorporated in the library structural organization. Division and diversification. Research and information tasks were redistributed among several independent units. Coordination of services. It is accomplished through the coordination between parliamentary research activities and information services. The goal of restructuring in most cases is to develop parliamentary research activities and information services in order to become more responsive to MP needs.

(B) The development of performance. This is accomplished by meeting the wishes of the client, by initiating a service and by accelerating service delivery. Contemporary parliaments tend to move away from the traditional method of research characterized by complexity and details to

the modern method of producing research and information services that are simplified and diversified in form and depth according to the MP's needs and abilities and made available in advance of the parliament's agenda.

In addition to the written research services, MPs often need telephone consultation, oral responses and E-mail. Hence, modern parliamentary research services attempt to do two things to meet these needs. First, the development of modern databases by utilizing developed technologies that would help in speedily providing basic data on the issues requested. Second, the creation of new forms of research services and the training of workers to perform them. Moreover, parliamentary research services tend to concentrate on giving precise and brief answers. This quality of research and information services requires that researchers and MPs possess sophisticated skills.

(C) The development of parliamentary research and information scope of interest. Research and information services must be qualified humanly and informationally to deal with various new issues. However, it has been observed that these services focus on two main issues: The budget and the technical formulation of legislations.

(D) The development of new research techniques. With the spread of the scientific revolution and the generalized use of computers, new horizons opened up before the parliamentary research and information services which allow opportunities for innovation and for the improvement of performance.

The most salient uses of the computer in this domain are: Economic and financial analysis, legislative databases and simulation models. In the Canadian parliament, for example, a small model was developed that simulates the tax system in order to support the work of the parliamentary economic analyst in studying the taxation systems and alternatives.

(E) The development of work techniques and tools. Modern techniques are a basic feature of different institutions. Consequently, they constitute a basic factor in the development of contemporary parliaments especially in the financial management sphere, the research and information services domain, and in the management of general parliament sessions and the implementation of the electronic voting systems.

Although the introduction of these modern techniques to parliamentary work costs much, let alone the need for continuous training for researchers and technicians, on the long term they would realize a saving, apart from multiplying the work benefits. The most prominent modern techniques, that are employed by the modernized parliaments, are the PCs, Internet, CD ROMs, LANs and E-mail.

(F) The development of international parliamentary cooperation. Modern techniques have helped to enhance international cooperation among legislative institutions, exchange legal expertise and reinforce research concerned with constitutional systems. In this context, the international legal information network was established to collect and document legal, constitutional, judiciary and jurisprudence documents and publish them on the Internet

(3) Development of the parliamentary library.

This action was prompted by the fact that the legislator is in constant need of an increased measure of good, documented and analyzed information and the main source of this information is the parliamentary library in most legislative assemblies of the world. This library is considered part of any general communications and information system in the country. The MPs administer the legislative library which is supervised, in some parliaments, by a committee known as the "Library Committee".

The parliamentary library contains a variety of types of information. These include official publications, periodicals, reports, studies, thesis and academic works, as well as basic references.

In this context, the study presents two cases of parliamentary library: One in the Indian parliament and the other in the Egyptian parliament. The Indian parliamentary library contains nine principal units: library service, computer center, microfilm unit, audio-visual aids unit, photography and printing, documentation service, newspaper excerpts service, research service and the parliamentary press office.

The Egyptian parliamentary library activities include: borrowing for internal and external use, photocopying, current affairs, selective transmission of information, preparation of subject bibliography lists, microfiches, press archive, condensing periodical articles, Internet services, reference service and information files on local and international subjects.

The Egyptian library is undergoing a technical modernization process which includes the development of administrative procedures, and the progressive automation of libraries, office work and information and research services.

(4) Development of parliamentary training

The importance of training for the parliamentary institutional development process lies in that, first, continuous and diverse training on all levels and in all domains keeps parliament better informed about recent development. Second, being a complex and multi-dimensional institution with many committees and roles to play vis-à-vis other powers and the citizens, parliament is in need of an organizational structure and a team of assistants who possess diverse abilities and

skills. Third, since staff of parliament are obliged to coordinate the work of the various committees, units and sectors, they are in need continuous training. Fourth, MPs are a diverse and mobile group who do not resemble each other in abilities, interests, and intellectual and political affiliations. Hence, they need technical expertise that matches their diversity. Fifth, the new issues and subjects of interests to parliament which are in constant development and the related required skills in the technical division assisting MPs. What makes this training need especially important is the absence of the parliamentary resource centers in the Arab world.

The training programs in Arab parliaments are of two kinds: Programs carried out in coordination with parliament and programs carried out outside parliaments. The programs carried out in coordination with parliament are more successful, less complex and less prone to technical and organizational problems. Examples of training experience in the Arab world include Egypt, Jordan, Lebanon and Palestine.

The basic features of successful training programs for staff of parliament are: 1) Training would take place according to a plan that is suitable for the requirements of parliamentary work. 2) Training is viewed as a continuous process to develop worker's skills in parliamentary work. 3) The training plan would create a group of trainers who subsequently would train others. 4) Training is an essential factor in maximizing benefits from the information technology and computers. 5) Choice of institutions carrying out the training programs must favor national institutions, and if international associations are necessary, the training should be done locally. 6) The training plan would be divided into function areas. The main training areas are: committees, sessions, research and information areas and administrative and technical affairs. And the main topics are: legal and parliamentary know-how, development of parliamentary work, legislation formulation skills, basic technical and language know-how, specialized research, technical and administrative skills, budget analysis and economic policies, and library development programs.

(5) Development of parliamentary media.

Communication systems and parliamentary media have become an important tool for developing the parliamentary institution and for reviving the democratic climate in society because of the populist nature of parliament, its representation roles and its legislative and oversight function. This state of affairs requires reserving a T.V. channel for Arab parliamentary media in order to contribute to the development of the society's democratic culture and institutions.

In conclusion, the study surveyed the lessons learned from the experiments of institutional development in contemporary parliaments. It pointed out to the most important domains for

developing Arab parliamentary work: 1) Supporting MP activities: The development of an institutional system to support the relations of MP's with their constituencies and the citizens. The cooperation of the executive power with parliament in the dissemination of information. The necessity to organize MP visits to world parliaments and international organizations. Convening of regional and international conferences to discuss the technical and administrative issues in parliaments. The creation of a ministerial portfolio for parliamentary affairs. 2) Institutional development through the reform of the parliamentary by-laws to establish a balance between political and party tendencies in parliament, the development of the committee system, modernizing its technical performance, and activating its role in legislative initiatives and thorough analysis of legislations, establishing and developing a specialized unit for training the technical division of parliament, and taking special interest in computers, technical support and the automation of parliamentary work. 3) Developing research, information and the media: Opening up to the research centers, the external experts, and civil society institutions, establishment of an Arab parliamentary research nucleus that would serve as the promote of Arab expertise in parliamentary work, publishing a unified Arab report on Arab parliamentary life and expansion of the Arab parliamentary media activities.

DISCUSSIONS

The discussions on this theme dealt with a number of issues such as the role of the media in parliamentary work, parliament relations with other institutions, training, administration, the by-laws, relations with the executive power, role of political parties, democracy, women...etc. They also dealt with some methodological and critical remarks that are directly related to the study. One participant noted that the study did not focus on the relationship of MPs to the public. The MP must convey to the public what transpires within the parliament which requires training the assistant to the MP and providing the MP with modern communicator techniques and relevant computer programs.

One participant said that the study is important from the theoretical perspective and he asked: what about the existing situation in Arab parliaments and how can we deal with the existing problems? Whenever we think of the development process of Arab parliaments we must take into account the existing circumstances and deal with each Arab parliamentary experiment separately without ignoring the overall situation.

On the other hand, some participants emphasized the importance of the role of the media in parliamentary work. One participant even said that whoever is not skillful in dealing with the

media and modern media techniques will never be a successful parliamentarian. For this reason, the development of parliamentary work must be based on the development of efficient relations with the modern media institutions. Others stressed the importance of transmitting parliamentary deliberations through television and the necessity to establish a special TV channel to cover parliamentary activities, like what happened in Jordan.

Some participants underlined the importance of the relations of parliament to other principal institutions such as the central audit office whose relate to the preoccupation of parliament with financial monitoring of the government. Moreover, monitoring the implementation of the budget is a responsibility of the central audit office. For this reason, this office must be directly linked to parliament and not to government.

On a different level, one participant suggested that it is necessary to better link the parliaments with the universities for they can provide to parliament relevant research and scientific expertise. It is not possible for a parliament to have in its technical division a number of economic, financial, political and legal experts in order to take the right decisions on a number of problems and issues. Also, it is no longer appropriate to be satisfied with the opinions of a single expert if parliament is about to perform financial evaluation of a project. The MP or the parliamentary committee must take the right decision under circumstances which require deeper and more comprehensive research and study. It is obvious that Arab universities have the ability to provide the Arab MP's with the information and studies they needs. Hence, a sound relationship between parliaments, especially parliamentary committees, and universities must be established.

Furthermore, the study raised the issue of training workshops for upgrading the capacity of MPs. This subject provoked a number of inter ventures, some in favor and some other taking reserved position on the matter. Some said that there are new issues that impose themselves on the agenda of Arab parliaments. Rehabilitation must include MPs, parliamentary committees, parliament's chairmanship. However, the stumbling block facing the training process is the parliament's chairmanship, the speaker and vice-speaker.

In view of the above, some participants asked whether the training workshops should be mandatory for the MPs. This raises an important issue, namely that mandatory training for Mps would confirm the notion that parliamentary chairmanships exercise a form of guardianship over members of parliament. Therefore, training programs must be optional and be leftto the MP's decision. Another participant raised the question whether training ought to take place before the election or after the election of an MP.

Pursuant to the above issue, the discussions raised the question of the administration in Arab parliaments. How to manage a body, an institution or a directorate? What should be its structure? What is the ability of the group to work together? What is the ideal number of staff that serves best the administrative process? What is the quality of the work team? The discussions pointed out that these administrative issues are still absent in the Arab world and thshould be given greater attention because the administrative division in Arab parliaments is nothing but a mere number of people. Therefore, parliaments should have an administrative structure for administrators and clerks and a technical structure for experts and advisers.

On a different level, one participant asserted that the rules of procedures represent one of the essential factors for the development of parliamentary work. The domination of the speaker of parliament and the vast prerogatives which the by-laws bestow on him impede parliamentary work sometimes, especially when the by-laws are vague and not specific.

Commenting on the relationship of parliament to the executive power, the discussions pointed out that whenever there is a strong parliamentary institution there should, by necessity, be a strong government. The issue is not whether the government dominates the parliament, or vice versa, but the issue is that there should be a strong government and a strong parliament at the same time.

In the context of the discussions, the issue of the importance political parties was raised. In this connection, the discussions referred to the role of the political party in the fields of organization, party education, training, public action and political work. Furthermore, the discussions referred to the shadow government in the political party, party training, identifying party cadres involved in public work and the means to the establishment of a "political kitchen" within the party to debate with the government.

The discussions mentioned the role of political parties in building the capacity of the MP before his election and the political covenant that must bind the political party and society before, during and after elections.

The discussions also dealt with society's vision of parliamentary representation and whether this representation coincides with the social reality. They also dealt with parliament's structure and the role of the élite in it as well as the issue of moving from amateurism to professionalism in parliamentary work, i.e., from the amateur to the professional parliamentarian.

Moreover, the discussions included an invitation for the transparency in parliamentary work that would enhance confidence in parliament. In this connection, the discussions stressed that democracy is more than an electoral system. Rather, it is a social and an educational process that should become an integral part of the citizen's educational curricula and conduct as to become a

behavioral tendency that can not be easily overstepped. The discussion of this point ended by pointing out that despite all the appearances of democracy regarding elections and public liberties in some Arab countries, these countries are still quite far away from the sovereignty of the people.

The discussions raised the issue of making the parliamentary sessions and parliamentary committee meetings open to the public. They also raised the question of women representation in Arab parliaments and it was pointed out that women representation in Arab parliaments ranges from zero to 7% of the total number of MPs in Arab parliaments. Therefore, it is imperative to enhance social awareness of the importance of women participation in parliamentary work.

Finally, the discussions raised the subject of the possible role of the economic and social councils in assisting the parliamentarians in taking decisions on important issues in front of them. The discussions ended by pointing out to the importance of parliament's relation to civil society.

A Special Theme

Arab Women in Parliament

In the course of the forum, a special theme was introduced about women's experience in Arab parliaments. A principal intervention was presented that was followed by a round of discussions by the participants in the forum. The intervention dealt with the conditions of Arab women and the obstacles that prevent them from fully participating in parliamentary work in particular and in political life in general. The intervention also pointed out that women constitute half of society and no people can develop and progress if half of it is backward, persecuted or deprived of political and social rights.

The intervention pointed out that we cannot generalize about Arab women because their situations differ legally, socially and politically from one Arab country to another. While in Kuwait, for example, women are deprived of their political and electoral rights, Tunisia is considered one of the Arab countries that has made great progress in consecrating women rights since 1956. In contrast, the family law in Morocco impedes women from acquiring all their political rights.

The intervention concentrated on the situation of the Algerian women. The Algerian constitution provides women with the full political rights that are given to men, including the right to be nominated to the presidency of the republic while, in contrast, the family law deprives

them of the simplest political rights. Although the Algerian woman is to become a judge or a minister, the family law impedes her participation in public life and political activity.

The intervention specified three principal obstacles that impede women's involvement in political activity in Algeria:

1. Violence: The phenomenon of violence that Algeria is experiencing contributed to the regression in women's conditions. The effects of generalized violence on Algerian society were, of course, reflected on the conditions of women. Consequently, the number of women participating in the parliamentary elections was reduced to 11 women in 1997 and it did not take long before their number dwindled to 9 MPs after the appointment of two of them to ministerial portfolios. However, these female MPs won their seats in parliament because they were party candidates as no independent female candidate can win on her own. The five female MPs belonged to five political parties out of seven parties represented in the Algerian National People's Council (parliament).
2. Family law: The family law is considered the legal and institutional obstacle impeding women from exercising their right to participate in political life. According to this law, a husband can prevent his wife from participating in politics and public affairs. Keep in mind, however, that this law contradicts the prevailing mentality in Algerian society and is not an expression of the prevailing culture. On the contrary, it is- as the intervention described it- a law imposed from above for political and ideological reasons that contributed to the regression of this prevailing culture in some of the modern aspects of Algeria's social life.
3. The effects of the adoption of structural adjustment policies on the economic and social levels: these policies led to the retreat of public services, in education, public health, transportation and other services. They were also reflected in the increase of child suffering, and consequently on the role of women in political work and in public affairs.

The intervention estimated that the ratio of female workers in Algeria does not exceed 10% of the total workforce, that is 800 thousand women according to official figures. However, this number is, in reality, higher because many women perform jobs that are not registered in the Social Security.

The intervention underlined that we should not consider the women in the Algerian parliament as the representatives of Algerian women in parliament. Rather, they constitute a part of the political contradictions, economic interests and social relations existing in society where men and women are equally involved. Hence, the women's role in the Algerian parliament depends on their partisan and political backgrounds and on the position they take on national and other issues put to parliament.

Furthermore, the intervention pointed out that the fluctuating conditions which women suffer from are not confined only to the Arab countries. Rather, it is a world phenomenon even if it is relatively different from one country to another. In France, for example, the law discriminates against women in job compensations while this discrimination does not exist in the Algerian law. However, women enjoy legal rights in the West that are not to be found at all in the Arab countries.

On a different level, the intervention saw that there are some world developments that affect negatively the conditions of Arab women. These include the economic and social policies adopted by international institutions which contribute to the subversion of the laws and regulations on social protection in a large number of states. Even ILO is bowing to the pressure of these institutions. Consequently, some international conventions are being revised in ways that threaten the interests of the labor force, and specifically the interests of women.

In general, the intervention considered that it is not possible to speak of the experience of female Arab parliamentarians in isolation from the political and social environment, the nature of the social order and the nature of parliaments in each country as well as from the tendencies and positions of the political parties on this issue.

DISCUSSIONS

The principal intervention in the session was followed by a round of debates which dealt with the major problems that still face women's acquisition of the political rights which men enjoy. The debates dealt with the inherited cultural and social factors, the role of political will in the process of change and the external factors which impacted on the Arab women's condition. The participants presented some proposals for the improvement of the conditions of Arab women.

One participant asked whether the talk about discrimination between women and men expresses a genuine desire of Arab societies or it is an imitation of what is being circulated on the world arena. He called for an investigation of the historical and political origins of the special attention which women are given in the current Arab discourse. He went further and asked whether we are supposed to speak of women's rights or speak of the problem of Arab societies in general where women issues represent one of the aspects. He said that the problem of women in the Arab world is the problem of women and men at the same time and that it is the problem of Arab societies in general. Consequently, it is imperative to educate the Arab peoples and to

advance their development programs instead our dependence on Western societies' outward appearances with all their designations of civil society and NGOs. He raised doubts about the independence of these associations and their contribution to the weakening of the process of political participation of the Arab peoples.

Another participant added that we are supposed to search for the gender imbalance in the experience of Arab political parties. Consequently it is important to investigate the position of women in the political parties and why they did not reach the positions of leadership.

Other participants said that what hinders women participation in Arab political life are the customs, traditions and interpretations of the sharia and legislative texts.

Some participants asserted that, on the legal and legislative levels, most Arab constitutions recognize the political rights of all citizens without discrimination between the sexes whether before the law, in job opportunities or political participation. Furthermore, Arab constitutions have adopted the principle of monitoring the constitutionality of laws and it gives everyone the right of contesting a law that is unconstitutional. This creates a situation where the civil and political rights of women are recognized constitutionally but practically unapplied in a sound manner. This situation is not only true for women, but for men as well. Hence, we must look for the factors of ignorance, poverty and weakness which are still prevailing in the midst of Arab societies. How can we ask Arab women to play a political role if the rate of illiteracy among them ranges between 51 and 75% or if between 10-25% of all Arab citizens live below the poverty line. Therefore, before we ask that more Arab women become MP's, we must demand for the working woman the right to enjoy a decent and healthy life.

For this reason, others said that legislation alone is not enough for Arab women to exercise their political rights. Legislation must be accompanied by a parallel movement of the political will. It is not easy for women to force themselves on political life unless they possess this will.

On the other hand, some participants asserted that the changes taking place in the world impose challenges that are associated with globalization and the adoption of market mechanisms. This situation, in turn, imposes economic, social and political burdens on the Arab citizen generally. However, the heaviest burden will fall on those segments of society whose existing social, constitutional and legal circumstances are the most unfavorable. Consequently, women could bear the worst burdens of the effects of market mechanisms including the possible loss of work opportunities and increased economic burdens in providing for family expenses.

Women representation in parliament based on the quota principle occupied a large part of the discussions. There was almost a consensus among the participants that the quota principle is undemocratic mainly because of MPs elected on this basis are inclined to support the executive

power against the legislative power. However, it might be necessary in some circumstances to resort to the quota principle on condition that it is restricted by a number of procedures and constraints and that it is a temporary measure to correct imbalance in parliamentary representation. Also, it has to be a "diminishing measure" where the number of those elected according to the quota principle is gradually decreased so as to change this principle in time from an imposed system to a voluntary outcome of election.

In the field of women's right to participate in the political life, some Arab states are witnessing new experiences. In Morocco, the government of Abdul-Rahman Yusufi has adopted the national plan for merging women in the development process. And in Algeria, a Party imposed a 25% ratio of women in the party structure from top to bottom. In Palestine, a technical unit of parliament called "women's unit" was founded and it includes a group of jurists whose duty is to review the draft laws presented to parliament to ascertain that they do not contain any prejudice or discrimination against women and to report their findings to parliament. The "women's unit" also expresses its opinion on government policies so as to guarantee women's right in benefiting from these policies.

In the context of future aspirations, one participant called upon Arab parliaments to develop legislations which insure women's rights in participating in the political process. Another participant called for the activation of the parliamentary women's committee that emanated from the ninth conference and the 35th session of the council of the Arab Parliamentary Union.

Final Session

At the end of the forum, a final session was held and the participants put forth a number of recommendations for follow-up and further action.

Among the most largely supported recommendations were the following:

- The construction of an Arab Parliamentary Data Base
- The development of a model for an effective parliamentary system, with all the needed divisions and units.

- The focus on training and innovative training programs for MPs as well as for parliamentary staff.
- The building of a core content for an Arab parliamentary library.
- The promotion of specialized parliamentary media, including an Arab TV station, specialized in parliamentary affairs.
- The support for electoral reforms to insure a better representation of political and social forces.
- The support for modern laws on political parties, civil society associations, and the media.
- The opening up of parliamentary meeting, documents and archives, to all citizens including researchers, associations and journalists.
- The convening of more regional parliamentary workshops on special topics of interest.
- The possible establishment of an Institute for Arab Parliamentary Studies.
- The possible creation of a special department for parliamentary affairs at the Arab League.
- The close cooperation between the Arab Parliamentary Union and the Arab League.