

Rule of Law and Governance in the Palestinian Authority
Delivering Better Policies and Legislation for People

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Corrigendum

Page 3:

Text in red has been added:

This Review looks at existing institutional frameworks, structures, mechanisms, and capacities to better address the aforementioned challenges hampering the policy and legislative process in the PA. Building on previous work, notably the 2017 assessment of the PA's legislative process by EUPOL COPPS, the Review draws on first-hand information collected from key institutions involved in these processes, as well as established OECD standards and good practices for sound policy and legislative development. It presents a detailed assessment of policy- and law-making in the PA and offers actionable recommendations to guide the Authority in administering requisite reforms. **The Review calls for the re-activation of the PLC as an essential condition to ensure the democratic system of control by the legislature. Given that its recommendations seek to address structural issues affecting the policy- and law-making process and are thus relevant and implementable regardless of whether the PLC officially resumes its work or not.**

Page 5:

Corrected

The authors also express their gratitude towards the following institutions for completing the OECD Questionnaires administered for the purpose of the review: the Prime Minister's Office (PMO); the General Secretariat of the Council of Ministers (GS); the Office of the President (OoP); the General Personnel Council (GPC); the Ministry of Justice (MoJ); the ~~Advisory and Legislation~~ **Official Gazette Bureau** (Diwan); the Ministry of Finance (MoF); the National School for Administration (PNSA); the Palestinian Legislative Council (PLC); the Ministry of Social Development (MoSD); the Ministry of Labour (MoL); the Ministry of Tourism and Archeology (MoTA); the Ministry of Transportation (MoT); the Ministry of Women's Affairs (MoWA), the Ministry of Education (MoE); the Ministry of National Economy (MoNE); the Ministry of Interior (MoI); the Ministry of Agriculture (MoA); the Ministry of Local Government (MoLG); the Attorney General Office (AGO); and the Ministry of Health (MoH).

Page 10:

Corrected

CBA	Cost-benefit analysis
CEA	Cost-effectiveness analysis
CoM	Council of Ministers
Diwan	Advisory and Legislation Official Gazette Bureau
EU	European Union
GALA	General Administration for Legal Affairs
GS	General Secretariat of the Council of Ministers
HNC	Higher National Committee on the Legislative Plan
MCLP	Ministerial Committee on Legislative Policy
MENA	Middle East and North Africa
MoF	Ministry of Finance
MoJ	Ministry of Justice
OECD	Organisation for Economic Co-operation and Development
OoP	Office of the President
PA	The Palestinian Authority
PCBS	Palestinian Central Bureau of Statistics
PESTLE (analysis)	Political, Economic, Social, Technological, Legal and Environmental
PLC	Palestinian Legislative Council
PMO	Prime Minister's Office
RCA	Root cause analysis
RIA	Regulatory Impact Assessment
ROB	Regulatory Oversight Bodies
SCM	Standard Cost Model

Pages 18-19:

Paragraph has been added later in the text and corrections to the text in red

~~Before draft legislation is issued by the President, it passes the **Official Gazette Bureau** (hereafter “Diwan”). Created in 1995 by presidential decree, the Diwan reviews all draft legislation (i.e. proposals for laws, bylaws, decrees and decisions) regarding their legislative wording, compliance with the Basic Law and consistency with other existing legislation prior to ratification and publication in the official Gazette. With a body of 12 legal advisers, the Diwan prepares a revised draft of all legislation submitted by line ministries, trying not to alter~~

~~the nature of the proposed acts. All comments and recommendations made by the Diwan are non-binding. The Diwan is also in charge of publishing the Palestinian Official Gazette.~~

Following the problem identification and policy formulation phase ~~and after comments from the Diwan are considered by the respective lead ministry~~, the legislative proposal and an accompanying policy paper on its objective (referred to as policy memoranda) are sent to the **General Secretariat of the Council of Ministers (GS)**. The Secretariat verifies all draft acts' consistency with existing legislation prior to submission to the CoM for approval. By virtue of Art. 70 of the Basic Law, the CoM holds the "right to submit draft laws to the Legislative Council, to issue regulations, and to take necessary actions to enforce laws" (Palestinian National Authority, 2005^[3]). The Council of Ministers therefore represents a central institution in the PA's institutional architecture. It has decision-making power on all draft legislation that is expected to be submitted to the PLC for discussion and adoption (OECD, 2011^[5]). The General Secretariat of the CoM may also create special committees for the review of individual legislative proposals and their corresponding policy memoranda prior to approval by the CoM. Committees may accept, reject or amend legal proposals. By bringing together different relevant ministries and the Diwan, these committees can represent an important forum for intra-institutional co-ordination across administrative boundaries in the absence of the PLC (OECD, 2011^[5]).

According to Art. 68 of the Basic Law, the **Prime Minister** not only appoints and removes the members of the Council of Ministers and organises its weekly meetings, but also oversees and co-ordinates the work of the ministers and public institutions. The **Prime Minister's Office (PMO)** was established in 2003, but is not defined by the Basic Law. It provides technical support on an *ad hoc* basis during the policy formulation phase.

~~Before draft legislation is issued by the President, it passes the **Official Gazette Bureau** (hereafter "Diwan"). Created in 1995 by presidential decree, the Diwan reviews all draft legislation (i.e. proposals for laws, bylaws, decrees and decisions) regarding their legislative wording, compliance with the Basic Law and consistency with other existing legislation prior to ratification and publication in the official Gazette.¹ With a body of 12 legal advisers, the Diwan prepares a revised draft of all legislation submitted by line ministries, trying not to alter the nature of the proposed acts. All comments and recommendations made by the Diwan are non-binding. The Diwan is also in charge of publishing the Palestinian Official Gazette.~~

According to the regular legislative procedure enshrined in Art. 41~~3~~ of the Basic Law, the **President** enacts the legislation (Palestinian National Authority, 2005^[3]). In case of objections to a legal proposal, the draft law can be returned to the PLC within 30 days. Any objection requires a detailed justification and leads to a new adoption procedure in the PLC (OECD, 2011^[5]). The PLC then seeks the opinion of its Legal Committee on the President's amendments or proposal and puts the proposal to a vote. Should a two-thirds majority of the PLC vote in favour of the proposed or original legislation for a second time, the law is considered adopted and must be published in the Palestinian Official Gazette, which exists since 1995. Due to the right to issue decrees, the head of state is considered an ordinary legislative body.

Pages 20:

[Replaced figure 2.1](#)

Pages 21:

[Corrections to the text in red](#)

For strategic planning purposes, the Palestinian Authority has adopted various relevant planning documents, ~~drawing on the assignment letter handed by the President to the Prime Minister~~. In addition to the multi-year strategic document of the "National Development Plan 2021-2023", different sector strategies as well as cluster operational plans exist. These strategies and plans aim at setting the PA's objectives and priorities and bringing together otherwise scattered policies.

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Complementary to a new or strengthened committee, the processes for formulating and drafting individual pieces of legislation should be planned in advance. One way to do this is through the creation of a plan of legislative tasks that is established on a yearly basis through a whole-of-government effort and which is followed by all line ministries for the creation of new legislation. The legislative plan could thus serve as an annual work plan listing specific actions and legislative interventions that are expected to implement the PA's strategic priorities **and the consequences of adopting such priorities** (EUPOL COPPS, 2017^[4]). The plan could enshrine the different challenges and gaps in legislation the PA intends to address and provide an overview of the associated priorities. Ideally, the annual legislative plan would specifically list these actions and interventions for all line ministries, ~~and~~ include detailed timelines to operationalise them **with specific implementation mechanisms, and provide principles and standards for setting the legislative priorities**. Each year, line ministries could prepare their sector specific legislative plans (e.g. in specialised sectoral sub-committees) and submit them to the new inter-ministerial committee. The PA could also consider introducing incentives for institutions following the legislative plan and adhering to the included deadlines. An annual legislative plan could thus contribute to further streamlining the legislative planning process.

Pages 23-24:

Corrections to the text in red

Despite the existence of various quality checks, the roles and responsibilities of the different institutions involved in quality control are not sufficiently clear, both regarding the legal verification (e.g. legal drafting quality, consistency with existing legislation, compliance with the Basic Law), but also in terms of overall quality control (e.g. alignment with the PA's objectives, affordability, compliance with procedures). This lack of clearly defined mandates leads to overlaps between the functions of different institutions and is reported to have led to misunderstandings and tensions in the past. Close co-ordination may help resolve duplications of work, but currently no formal mechanism exists. In order to improve the efficiency of the quality control on both legal and overall quality of draft legislation and avoid duplication of functions, the Palestinian Authority could consider consolidating the responsibility for legal review and task an institution with the lead on quality control. ~~Due to its expertise, the Diwan could assume this core function.~~ Following the practice in many OECD countries, ~~the Diwan could become a~~ **an existing institution could become the** centralised body tasked with providing legal services to public entities (OECD forthcoming, n.d.^[8]). Following ~~the current a~~ review of its mandate, the **Diwan institution in question** could provide legal information and advice on all draft policies and legislation to the Office of the Prime Minister and the Office of President. It could co-ordinate legal positions with the General Secretariat of the Council of Ministers and line ministries and review the legal conformity of proposals submitted to the Council of Ministers. Moreover, the **Diwan institution** could play a more prominent role in capacity-building. A strengthened role **for the verification of the quality of draft legislation and the provision of legal services of the Diwan** and more active involvement in the policy- and law-making process will also entail the need for additional staff and budget ~~—a challenge identified by interviewees during the fact-finding mission.~~

In order to improve the quality of legislative proposals, the PA could consider reforming the quality check by involving the **Diwan centralised body in question** early on in the policy- and law-making process. ~~While the current system only allows the Diwan to provide comments on final drafts of policies and legislation, a~~ A closer cooperation with line ministries *ex ante* could support policy-makers with more legal expertise and support, notably in the area of legislative drafting. Through such an early involvement, the compliance with already

existing legislation and the Basic Law could be ensured throughout the process. The Legal Unit in the Office of the President could continue to perform a final legal quality check before legislation is adopted and published.

The ~~Diwan centralised body could further expand its already existing legal training programme to give~~ provide specialised training on policy formulation and legislative drafting to the legal units in the line ministries. In this regard, the allocation of staff members with specialised skills in legislative drafting in all line ministry units could further be conducive to the quality of legislation. Additional exchange of expertise between legal staff in all line ministries, but also in the centre of government's different institutions could also contribute to capacity building. Regular meetings for legal staff can provide a forum to discuss and exchange views on legal drafting across the PA. The PA could thus consider to re-introduce the inter-ministerial workshops on legal drafting that were last held in 2013. A rotation of legal staff in line ministries' legal units with a temporary work placement in the ~~Diwan centralised body~~ may further help build capacity for policy formulation.

Pages 26:

Corrections to the text in red

Recommendation 2.3 - Consider reforming the quality control performed by the centre of government.

- Clearly define the roles and responsibilities of the different institutions involved in quality control regarding the legal verification and the overall quality control in formal mandates to reduce functional overlaps and duplication of work.
- ~~Strengthen the role of the Diwan to c~~ Create a single institution responsible for providing a quality check of all draft legislation submitted to the Council of Ministers that also provides legal information and advice to the CoG, co-ordinates legal positions with other centre of government units and line ministries.
- Involve the ~~Diwan centralised body~~ responsible for the quality check of draft legislation early on in the policy- and law-making process and establish close cooperation ~~between the Diwan and with~~ the line ministries to provide policy-makers with more legal expertise and support, notably in the area of legislative drafting.
- Consider providing the ~~Diwan centralised body in charge of the quality check of draft legislation with additional the necessary staff and financial resources in light of its strengthened role for quality control.~~
- Expand the ~~Diwan centralised body's~~ training programme to provide specialised training on policy formulation and legislative drafting to the legal units in the line ministries.

Recommendation 2.4 - Enhance capacity building for policy formulation and legal drafting.

- Consider introducing, in line with existing capacity, a rotation scheme of legal staff in line ministries' legal units with a temporary work placement in the ~~Diwan centralised body providing the quality check of draft legislation~~ to further build capacity for policy formulation and legal drafting.

Pages 35:

Corrections to the text in red

Recommendation 3.4 - Liaise with relevant external stakeholders to identify and define policy problems

- Ensure that line ministries liaise with relevant stakeholders in areas they intend to legislate, in order to profit from their information, knowledge and opinions that can help detect new or emerging policy issues. Implementation of the consultation guidelines should be supported and enforced by a body

outside of the ministry carrying out the consultation. ~~The Diwan~~ A centralised body may take the lead in providing the oversight function for stakeholder engagement to identify and define policy problems.

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Corrections to the text in red

The need for coherent and uniform practices in drafting legislation was identified shortly after the establishment of the PA. In an effort to formalise the legislative drafting process, the *Guidelines on Legislative Drafting* and *Guidelines on Secondary Legislative Drafting* were developed in 2000 and 2004 by the ~~Advisory and Legislation~~ Official Gazette Bureau¹, the Institute of Law at Birzeit University and the Legal Department of the Legislative Council. (EUPOL COPPS, 2017^[1]) The OECD conducted an assessment of these guidelines and developed a separate *Practitioners' Guide on Regulatory Consultation*, which helped strengthen the PA's legislative process (see **Error! Reference source not found.**).

Pages 55:

Corrections to the text in red

Renewed efforts initiated in 2015, aimed at giving impetus to the legislative process, led to another review of the Guidelines by a working group comprised of institutions with key competencies in the regulatory process (~~Advisory and Legislation~~ Official Gazette Bureau (Diwan ~~al-Fatwa wa Tashri'~~), Ministry of Justice (MoJ), Ministry of the Interior (MoI), Council of Ministers (CoM), Office of the President (OoP)).

Pages 62:

Corrections to the text in red

~~Advisory and Legislation~~ Official Gazette Bureau (Diwan ~~al-Fatwa wa Tashri'~~)

The ~~Advisory and Legislation~~ Official Gazette Bureau (Diwan) has played a central role in the legislative process since its establishment in 1995 by presidential decree. *Cabinet Resolution No. (6) 2014* approved Diwan's status as an independent body after it was previously affiliated with the Ministry of Justice. The head of the Bureau was assigned the rank of a minister.

~~Diwan's main functions concerning the regulatory process include:~~

Presidential decree No.33 of 2022 regarding the Official Gazette Bureau, which is considered a successor to the Advisory and Legislation Bureau, repeals Law no. (4) 1995 Concerning the Procedures for Preparing Legislation and further defines the mandate of the Advisory and Legislation Bureau and its role in the legislative process. Article 2 stipulates that the Bureau shall enjoy legal personality, financial disclosure, and legal capacity to undertake all business and actions to achieve the objectives and tasks for which it was established. Article 4 of the decree-law stipulates the functions of the Bureau to include:~~Diwan's main functions concerning the regulatory process include:~~

- ~~• The Bureau's Legislation Department reviews the legal quality of proposed and draft legislation prepared by ministries and adjusts the draft if necessary, a process which is referred to as "final drafting";~~
- ~~• The Bureau's Studies and Research Department carries out legal studies and research to support the work of the Bureau and ministries tasked with developing legislation;~~

- ~~The Bureau also has technical responsibility for supervising legal advisers within ministries, who are charged at the same time with evaluating and reporting on draft legislation submitted to ministries by the Bureau.~~
- Studying legislation referred to it by the competent authorities for publication in the Official Gazette, and proposing legal, linguistic and technical amendments thereto, in a manner that does not change its essence and intended purpose, in consultation with the competent and relevant authorities, in preparation for its publication;
- Preparing the regular and excellent issues of the Official Gazette, both paper and electronic, and publishing them in accordance with the provisions of this Law by Decree;
- Preparing and developing electronic references for Palestinian legislation, and publishing them for all.

~~Though~~ Before the adoption of the mandate, and ~~though~~ not strictly part of its mandate, the Diwan ~~used to evaluate~~ *evaluates* the rationale of draft laws provided by the ministries and, if provided, the quality of the explanatory memorandum.

In addition, the Bureau ~~is~~ *was* required to respond to all legislative and legal matters referred to it by public agencies, in the following cases:

- Legislative and other legal matters referred to it by the President, the Prime Minister, the Speaker of the Legislative Council, ministers or heads of public departments and bodies;
- Disagreement between ministries, public institutions and institutions in any of the legal issues or regulations related to their tasks and powers, and the difference in their application.

In light of its functions, the Diwan ~~could have been~~ *is* considered the *de facto* regulatory oversight body for the PA, though such a role has not yet been stipulated *de jure* in law.

~~To this end, the Diwan is currently developing an article to expand its mandate. The article will, if approved by the Cabinet, introduce a legislative quality unit tasked with scrutinising the quality of regulatory management tools (RIA and stakeholder engagement) and supporting ministries in the process of applying them.~~

Pages 63:

[Moved paragraph below from p.63 to p.60](#)

Legislative Council (PLC)

The Legislative Council is the unicameral legislature of the PA. Its activities were suspended following the 2006 elections and the Hamas-Fatah split.

Art. 47 of the Basic Law grants the Council legislative authority. Its role and functions were established in the *Internal Regulations of the Palestinian Legislative Council* in 2000. According to Art. 110 (4) of the Basic Law, the Legislative Council has the right to review the procedures issued by the President during the absence of the legislature.

Pages 65:

Corrections to the text in red

The ~~Diwan, the~~ General Secretariat of the Council of Ministers, the Ministry of Justice, and the Office of the President's legal team share certain oversight functions, like the review of legal quality of draft legislation. There is no formal and systematic mechanism in place to coordinate those functions, which prevents the sharing of information and best practices and hinders an aligned approach.

~~The Diwan seeks to address this gap in the PA regulatory system by establishing itself as the regulatory oversight body, not only *de facto*, but *de jure*. Currently, the Diwan prepares an article expanding its mandate to include the quality control of RIA and ex post evaluation and to make its opinions binding. The new mandate will, among other things, introduce a legislative quality unit tasked with quality control of regulatory management tools and providing support to ministries. The development of the article is currently at a halt.~~

Pages 68:

Corrections to the text in red

Regulatory oversight functions are shared by several institutions and quality control of regulatory management tools is missing. Certain oversight functions, like the review of legal quality, are shared between the Diwan, the Ministry of Justice, the Office of the President's Legal Adviser, and the General Secretariat of the Council of Ministers. Crucially, there is no single body formally responsible for carrying out quality control of regulatory management tools. Introducing such function will be essential to the successful implementation of regulatory impact assessment, stakeholder engagement, and *ex post* evaluation of existing regulation in the PA. ~~The Diwan is currently developing an article aiming to include such function in its mandate, but implementation is stalled.~~

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Corrections to the text in red

Recommendation 7.3 - Consider centralising regulatory oversight functions into one oversight body, so that they are explicitly and permanently embedded in the regulatory process. This body should ~~also~~ be tasked with ensuring the implementation of good regulatory practices by providing quality control. It should also have the authority necessary to effectively support and review the implementation of good regulatory practices.

- Consider creating a single regulatory oversight body entrusted with a clearly defined mandate, powers and resources. ~~The Advisory and Legislation Bureau (Diwan) would be well positioned for taking on the role as a single regulatory oversight body. Its independent position and respected authority makes the Bureau the ideal body to carry out an oversight function. In addition, the Diwan has recently been allocated additional human resources, effectively better positioning it to take on new functions. The efforts currently under way to expand the Diwan's mandate will help establish the Bureau as a *de jure* ROB and should be pursued.~~

Corrections to the text in red

~~The legislative draft is sent to the Diwan, which prepares a formal draft without altering legislative substance or purpose. In its drafting, the Diwan considers the consistency of the proposed legislation with the Basic Law and existing legislation. Once drafted by the Diwan and, if necessary, revised by the promoting ministry, †The legislative drafts are sent to the General Secretariat of the Council of Ministers, where they are discussed in three readings and, again, scrutinised for consistency with existing legislation. After the first reading, the draft is shared with government departments, civil society and the private sector to provide feedback on the proposal. After the second and third readings, the draft can be revised by the promoting ministry, if necessary. The final draft is then submitted to the Legislative Council. After adoption, the legislative draft is sent to the Diwan, which prepares a final version without altering legislative substance or purpose. In its drafting, the Diwan considers the consistency of the proposed legislation with the Basic Law and existing legislation.~~

~~The General Secretariat of the Council of Ministers should refer the draft for consideration to a ministerial committee consisting of a number of relevant ministers and the head of the Diwan, under the chairmanship of the Minister of Justice (as set out in Law No. 4 1995). If this committee approves the draft, it is returned to the full Council of Ministers, which may accept or reject it, or ask for it to be amended. In practice, such committee is yet to be implemented and the Diwan is currently pursuing its establishment.~~

~~If the Council asks for amendments, the draft is returned to the Diwan for revision before being submitted to the Legislative Council.~~ The President shall promulgate the laws voted by the Palestinian Legislative Council within 30 days of reception according to Art. 41 of the Basic Law. The President may refer a law back to the Legislative Council with his observations and the reasons of his objection within the same period. Otherwise, the law will be deemed promulgated and will be published in the Official Gazette. If the President of the PA returns the proposed law to the Legislative Council within the time limit, the Council shall debate the law again. If the Council passes the law a second time, whether in its old or amended form, by a majority of two-thirds of its members, the proposed law shall be considered approved and shall be immediately published in the Official Gazette.

All laws are published by the Diwan in the PA's Official Gazette as per *Presidential decree No.33 of 2022 regarding the Official Gazette Bureau Law no. (4) 1995 Concerning the Procedures for Preparing Legislation*, and come into effect 30 days after publication. The Gazette can be accessed online ~~on the Bureau's website and via the Bureau's electronic reference tool via the online legal database Al-Muqtafi managed by Birzeit University. The Diwan also publishes laws and regulations on its website.~~

Corrections to the text in red

Box 8.3. The Legislative Drafting Guidelines

The legislative drafting guidelines were prepared in 2018 by a working group led by the Ministry of Justice in cooperation with EUPOL COPPS. They were originally approved when prepared by the OECD in 2013 by Prime Minister Rami Hamdallah at the official launching of the two manuals, and build on earlier versions of the guidelines developed in 2000 and evaluated by the OECD in 2011. The legislative drafting guidelines have been approved by the Council of Ministers pursuant to Resolution No. (17/174/07) of 2017 on 10/10/2017 and are considered binding.

Goals of the guidelines:

- Provide a procedural and technical guideline for preparing primary laws and subordinate regulations for competent authorities (legal units in ministries, ~~Advisory and Legislation Official Gazette~~ Bureau, etc.) based on international best practice;
- Unify the methods of preparing legislation in the Palestinian community (West Bank and Gaza).

Page 84:

Corrections to the text in red

In addition, existing data is difficult to access due to ~~strict~~ confidentiality rules ~~introduced by the access to information law~~, which ~~sometimes~~ hampers ministries' ability to use existing data for decision making. Reportedly, civil servants also do not know where to locate adequate data sources as the legislative drafting guidelines do not contain information on where to find the data needed to support evidence-based regulation making.

~~Although~~ While the Diwan ~~is could have been considered as~~ the *de facto* oversight body ~~before the adoption of a new presidential decree in 2022~~, several bodies share oversight functions with regards to regulatory impact assessment. In interviews, the Diwan, the Office of the President, and the General Secretariat of the Council of Ministers reported asking for the explanatory memorandum, should the draft be submitted to them without one. The GS has rejected legislative proposals in the past because the financial impacts were deemed not sufficiently assessed by the Ministry of Finance.

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Corrections to the text in red

Crucially, there is no body responsible for systematically supporting and controlling the quality of regulatory impact assessment. The Diwan ~~currently takes used to take~~ on the role of a *de facto* ROB, but due to the lack of implementation of RIA in practice this role ~~is was~~ limited to requesting the impact assessment statement. In addition, the Diwan is not well positioned for providing support to ministries with RIA in the way the legislative process is currently organised, because it exchanges with ministries too late in the process. The Diwan is often involved in the final stages of the drafting process only, when the legislative proposal is almost final. ~~Due to such oversight functions not being part of Diwan's current mandate, ministries also reportedly do not accept feedback or support provided by the Diwan with regards to impact assessment.~~

Legal quality

Several bodies share the responsibility for reviewing the legal quality of legislative drafts in the Palestinian Authority. The President's Legal Advisor, the GS of the Council of Ministers, the Diwan, and the Ministry of Justice all scrutinise the consistency with existing legislation and the formal quality of the draft at different stages in the regulatory process. There is also a committee tasked with reviewing consistency with international law and treaties during the legislative drafting process, the Legislation Harmonisation Committee headed by the Ministry of Justice.

All these bodies carry out their review independently. There seems to be no co-ordination of this effort or sharing of best practices. ~~Currently, the Diwan is pursuing an extension of its mandate that will i.a. introduce a legislative quality unit tasked with reviewing legal quality. This move could help~~ It would be necessary to consolidate the responsibility for controlling legal quality within one body ~~to facilitate this process.~~

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Corrections to the text in red

The regulatory impact assessment system is not yet supported by regulatory oversight. There is no body responsible for systematically supporting and controlling the quality of regulatory impact assessment. ~~The Diwan as the de facto oversight body requests impact assessment statements from ministries, but gets involved too late in the legislative process to be able to help ministries preparing them.~~

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Corrections to the text in red

Recommendation 8.3 - Support the implementation of RIA in practice by putting in place effective regulatory oversight. Quality control of legal quality should be consolidated in one single body and these functions should be granted and regulated by law, in line with the Basic Law.

- Ensure that the regulatory oversight function is carried out by an independent body close to the centre of government. ~~The Diwan, as PA's de facto ROB, is well placed to~~ would carry out regulatory oversight functions with regards to RIA, including quality control of impact assessments and providing support to ministries. ~~The development of the article expanding Diwan's mandate to include oversight functions should be further pursued. The article will~~ The PA should also consider introducing a new legislative quality unit **within the ROB** that would be well placed to carry out review of legal quality which is currently split between Diwan, GS, MoJ, and OoP.

Page 95:

Corrections to the text in red

The PA undertakes some efforts to introduce transparency in the regulatory process. All laws and regulations are published on the *Electronic Reference for the Official Gazette* web portal managed by the Diwan, **which is the official national database for published legislations.** ~~There are also non-governmental tools such as well~~ as the Al-Muqtafi platform, a legal data bank managed by Birzeit University's Institute of Law. Al-Muqtafi contains all legislation since the Ottoman period and is continuously updated and upgraded. Most recently, Al Najah University has initiated an electronic legal platform. All websites are run in parallel with no coordination between the Diwan and the universities to align their efforts. The OECD helped strengthen these online tools in the framework of an EU-funded project on rule of law and governance. Capacity-building activities aimed at enhancing online access to legislation by supporting the standardised production of visual and social media content, the improvement of digital tools to access draft legislation and a greater coordination with key institutional and non- institutional stakeholders.

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Corrections to the text in red

There is currently no regulatory oversight of the quality of stakeholder consultations, yet a number of bodies are involved in the consultation process. The GS of the CoM participates in ministries' interactions with stakeholders ~~and the Diwan receives all stakeholder engagement reports~~. The Ministry of Justice sometimes organises consultations on behalf of ministries and prepares the feedback table.

~~The current involvement of the GS and the Diwan makes the two bodies well-placed to carry out such function in the future.~~

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Corrections to the text in red

The PA makes use of a number of online tools to introduce transparency in the legislative process. Notably, the Council of Ministers currently develops an *e-hub* portal to publish the annual legislative plan and provide an open channel for complaints to the public. The Diwan and Birzeit University both publish laws featured in the Gazette on their respective websites, ~~though the former is the official national database for published legislations~~. This effort is however not carried out in a co-ordinated manner and draft legislation is not published. Even though recommended by the consultation guidelines, there is currently no online portal for publishing draft legislation.

Recommendation 9.1 - Pursue and intensify its commitment to a participatory, inclusive and responsive decision-making process by making the consultation of the public a general requirement for all regulatory interventions, promoting the use of a variety of tools and channels of public engagement, and setting binding minimum consultation standards.

- Make the public consultation guidelines legally binding by resolution, introducing a formal provision to carry out consultation for all legislative interventions. In addition, the requirement to carry out public consultation should be clearly stated ~~as part of the article to better organise the legislative process currently under development by the Diwan~~. It should also be part of the whole-of-government strategy in Recommendation 6.1.;

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Corrections to the text in red

Recommendation 9.2 - Ensure a transparent and user-friendly access to information by developing, consolidating, and upgrading the features of the PA web-portals, creating a pivotal platform for both public consultation and communication. Draft legislation should be published for public consultation.

- Systematically publish draft legislation online and in a user-friendly manner, with clear instructions for the public on how to provide comments - *a key strategic policy objective under National Policy 9 in the "National Policy Agenda"*.
- Issue and publish "Notices of Government Intervention" online to inform internal and external stakeholders of the main regulatory and non-regulatory forms of a planned public intervention (see accompanying *Good Practice Manual*).
- Consider enhancing the operational coordination between Diwan and relevant academic institutions (e.g. Birzeit University, Al Najah University, etc.) regarding their respective web portals. Currently, the websites are used to publish existing legislation. Strengthened coordination could help to ensure that

contents complement and do not contradict each other. ~~With the extension of the Diwan's mandate, the Bureau~~ The ROB could take the lead in this effort as well as the responsibility for publishing draft legislation for consultation with the public, creating a pivotal platform for both public consultation and communication.

- ~~Should Diwan's new mandate not allow for this new role,~~ Publish legislative drafts on the forthcoming *e-hub* portal currently under development by the Council of Ministers. The portal should include a comment feature, allowing the administration and the public to view and respond to comments received. This practice fosters stakeholders' trust in public institutions and can help alleviate consultation fatigue.

Recommendation 9.3 - Support the implementation of the consultation guidelines and sure enforcement by a body outside of the ministry carrying out the consultation.

- Consolidate the quality control function of regulatory management tools – regulatory impact assessment, stakeholder engagement, and ex post evaluation –in one single body outside the ministry sponsoring the draft legislation. ~~The Diwan would be well positioned to take on the oversight function for stakeholder engagement, potentially supported by the GS of the CoM, who is heavily involved in the public consultation process and participates in all stakeholder consultation meetings and workshops.~~

Page 113:

Corrections to the text in red

- Designate ~~ana new~~ oversight body, ~~possibly the Diwan as PA's de facto ROB,~~ to carry out quality control of *ex post* evaluations, in addition to *ex ante* RIAs.

Page 120-121:

Reinserted the templates as the side of the text was cut off in the previous version.